

# DELINQUENCY AND THE COMMUNITY IN WARTIME

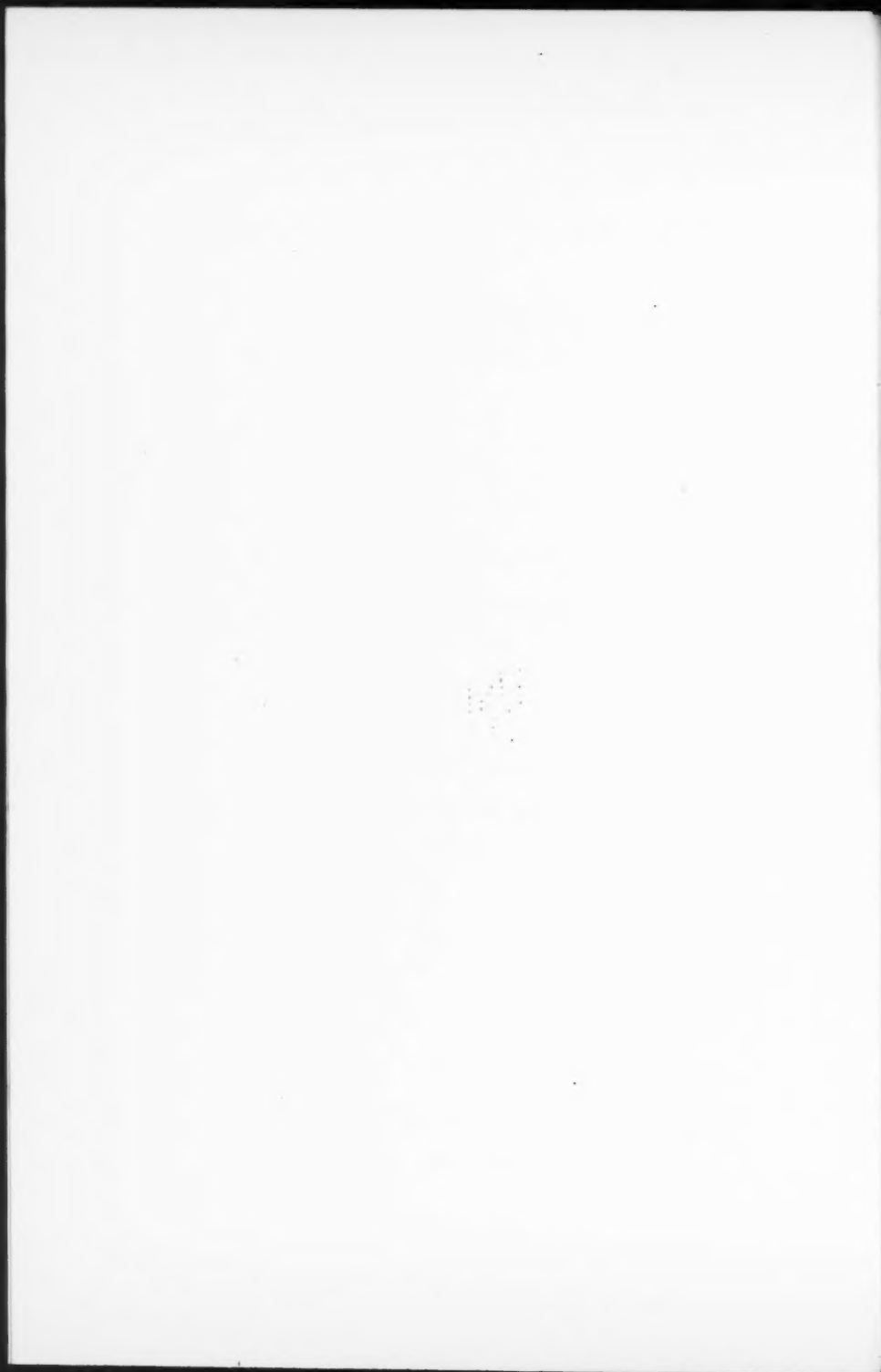
YEARBOOK  
NATIONAL PROBATION ASSOCIATION  
NINETEEN HUNDRED AND FORTY-THREE

CURRENT OPINION ON THE TREATMENT AND PREVENTION OF  
DELINQUENCY AND CRIME. PAPERS GIVEN AT THE THIRTY-  
SEVENTH ANNUAL CONFERENCE OF THE ASSOCIATION IN ST.  
LOUIS, MISSOURI, APRIL 8-12, 1943, AND AT OTHER CONFERENCES



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## FOREWORD

**I**N 1943, the second year of our participation in World War II, a further increase in juvenile delinquency was evident in many communities, and the work of juvenile courts, probation and parole administrators was increased and complicated by the war. In the adult field, selection of probationers and parolees for military service involved building up a cooperative relationship with the army and navy. The use of released offenders as manpower in industry was also tremendously spurred by the war effort. At the same time probation and parole executives everywhere were confronted with personnel problems because of loss of staff to both the war and war industry. Underlying these wartime complications were the uninterrupted needs of the delinquent in his adjustment to the community.

Our Yearbook for 1943 reflects these problems and some attempts being made to solve them. The papers include not only those given at the thirty-seventh annual conference of the Association in St. Louis, April 8-12, but also those for the regional conference held in March in New York City. Four of the papers were prepared for an additional conference scheduled to meet in Cleveland, which was canceled.

CHARLES L. CHUTE

March 1, 1944





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# I CRIME AND THE COMMUNITY



## American Culture and the Treatment of the Offender

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WE have become accustomed to looking in three directions for the explanation of crime. 1) We look for an abnormal personality and label it, say, a constitutionally psychopathic inferior. 2) We look for an abnormal experience. We see the criminal as the product of a home experience where he has felt unwanted, inferior or insecure; or we see his delinquency patterned by a juvenile gang, or resulting from conflicting patterns in a disorganized neighborhood. 3) We see the criminal as normal rather than abnormal, we see him the product of our whole culture. We ask how he could have been anything else than a criminal in a society where there is race prejudice, tense struggle to get ahead of the other fellow, corrupt politics, conflicting moralities. I chance to have emphasized this last source of crime—the general culture. I should like to illustrate it and ask what is its meaning for a preventive or treatment program such as probation officers undertake. I do not urge that this view should be substituted for any other. I do urge that it should be included. I also think this emphasis is sometimes neglected.

The line between criminal and non-criminal behavior is often so narrow as to lose its significance. Wherever behavior that is essentially like crime is not defined or treated as crime and is prevalent, crime will also be preva-

lent. Most crime is some form of exploitation. It takes property from those who have it, through larceny, burglary, robbery, criminal fraud. But the largest amounts of property are taken from us by processes which are not criminal. It is a crime to take a dollar out of a man's pocket; it is not a crime to leave an earned dollar out of his pay envelope because he is too weak to demand it. Before I went to college I, as a factory foreman, participated in the exploitation of unorganized labor to an extent that would have sent me and the owner of the factory to prison for many years if our exploitation had been defined as grand larceny. I was not punished but rewarded by an increase in salary. We lose more property through labor exploitation than through the activities of all criminals combined. Many of us defraud the government by undervaluing our personal property for taxation and much of this undervaluation is not prosecuted as crime but is more or less expected. If we did not lie to the government we would be thought queer by our associates.

Racketeering is usually prosecuted under some other name. The essence of racketeering is the use of some form and degree of compulsion in satisfying desires that cannot be satisfied legally. There is racketeering in the field of organized labor when it tries to bring pressure on employers or unorganized laborers. There is racketeering when business tries to avoid competition from rivals or to get the best of labor. There is racketeering in the field of consumer desires for vice, gambling, drugs or illicit whiskey. Today there is tremendous racketeering through black markets in gasoline, tires, meat or other rationed commodities.

Sometimes such racketeers are caught and imprisoned, but the typical inmates of Sing Sing or Joliet are not engaged in these huge frauds. Apart from this I defy anyone to draw a reasonable line between criminal racketeering and just good business policy. Under such circumstances it is

not difficult to understand why some who are unsuccessful in legitimate exploitation of their fellow men cross the line into criminal activities. When they cross they are not social men who have *become* unsocial. They were unsocial before they became criminal.

### *Social Behavior Patterns*

A second way in which American culture tends toward crime is seen in the attitudes and patterns of behavior which are widespread among the non-criminal population, and which produce crime. A few illustrations must suffice. We have much friendly cooperation, but we live in a highly competitive society. From baby and beauty contests, school grades and basketball championships, to keen business competition and everyman's struggle to get ahead of the Joneses, we strain to excel. More important, we are awarded prestige largely in proportion to our success in defeating the other fellow. Some reactionaries call this struggle the system of "free enterprise." But unlimited free enterprise destroys more liberty than it affords. Under the system some *must* fail. Always it means the defeat or exploitation of half the competitors. The slum is a receptacle collecting life's failures in this competition, and the slum is the seedbed of crime. The unsuccessful in these different forms of struggle become your probationers and crowd our penal institutions.

Similarly the strain to avoid competition leads to search for special privilege. Some monopolistic activities "steal" without illegally stealing. Some (not all) corner drugstores are very minor examples of monopoly, but I suppose they take more from you and me than all the thieves we punish. Such competition and such efforts to gain an advantage are not abnormal things, they are part of the stuff of which our society is made. The citizen who bought up meat, anticipating rationing, and stored it in his locker sought a different kind of monopolistic advantage. Since I don't have

either a locker or an electric refrigerator, I say he hurt me more than the man who stole half as much meat from my icebox. The fact that the former paid for the meat does not greatly alter the situation. Both tried to take advantage of me instead of cooperating with me.

Then there is the B or C card holder who should be an A card holder. A neighbor of mine recently drove to Chicago to use enough gas to renew her request for a C card. Shall we put such people in prison or on probation? I submit that the question is merely one of expediency. Such lack of cooperation in the supreme war effort is far more dangerous than most grand larceny. The attitude of mind which such behavior expresses is identical with that of the burglar or pickpocket. The probation movement may well be concerned with restoring a cooperative frame of mind rather than with giving technical criminals another chance. The exploitive attitude of mind is normal not abnormal in our society. The non-cooperative attitude is the crime problem.

Neither I fear is race prejudice abnormal in spite of our boasted democracy. The Negro has a bad crime record. This is partly because he is exposed more than the white man to slums, poverty, unemployment, a broken home and a score of other handicaps which spell crime. But the most basic reason for the Negro's bad crime record is his lack of social status due to long-time discrimination. If I do not rob anyone there will be one basic reason—I should lose what I hold most dear, my self-respect. But my self-respect is dependent upon my social status and crime would destroy that. Most white men achieve or maintain social status by avoiding crime. Generally speaking, the Negro cannot achieve social status whether he avoids crime or not. He is rated first as a Negro and assigned an inferior role thereby. Only secondly is he rated as a *good* Negro. In other words the Negro is asked to be virtuous without the chief reward



of virtue—namely social status. Usually the Negro does not openly revolt because he is excluded from white society. He usually accepts his inferior state and carries on at that level getting as much satisfaction as he can. But among his satisfactions is crime.

Time does not permit other illustrations of normal elements in American culture which cause crime. If American culture did not change so fast there would be less crime. If American culture were simple like a peasant community rather than complex like Chicago, there would be less crime. If women were back as slaves or maintained in glass cases according to the old ideal, there would be less crime. If we could either agree as to what kind of sex behavior is to be tolerated, or agree that it doesn't matter so much, there would be less crime. Similarly if we sent 90 per cent of those who violate the puritanical sex code to our training schools for girls instead of—what shall I say, one-thousandth of one per cent?—we should be less hypocritical and the schools would be more effective in changing sex patterns. If Americans didn't gang up in small groups such as religious cliques, anti-Semitic clubs, or the trade-in-our-town movements, there would be less crime. If we could see one another as products, adopt the mental hygiene point of view and tolerate and understand our several weaknesses, there would be less crime. If we fully accepted the merit system instead of the pork-barrel system in politics, there would be less crime. If we used education more and law less in meeting some social problems, there would be less crime. If we, non-criminal and criminal alike, did not seek a "fix" when we get into a jam, there would be less crime. If we first approved and then obeyed all the laws instead of selecting those we will keep and those we will break, there would be less hypocrisy and less crime.

Such a list may be a bit shocking. Some of these causes of crime in our culture we like. We don't want to remove

all of them. Personally I want a changing, complex society; I want women free; and I want social as well as political democracy. It does not matter whether these things cause crime or not. I don't want completely to remove competition but I'd go a long way towards a planned economy and society, and there seems little danger that we shall go too far in that direction. Finally there is much in American culture that tends away from crime such as our good sportsmanship. In spite of the rewards we give to those who win in competitive struggle against others, man persists in being a pretty good cooperative fellow in many social relationships. What a social being he might become if our system stimulated cooperation as effectively as it has stimulated competition! If we would reduce crime we must substitute cooperative for competitive activities.

### *Changing Our Culture*

It remains to inquire the significance, for the prevention and treatment of delinquency and crime, of the discovery that crime is largely rooted in our general culture. The logical procedure would seem to be to change the culture. A genuine democratic system permits orderly change through legislative and educational processes. If men come to realize the dangers involved in excessively competitive activities, onesidedly materialistic aims, race prejudice or machine politics, they will favor legislative and educational changes to reduce these dangers. Today vested interests and some well-meaning citizens are urging a return to so-called freedom of enterprise. Social workers, probation officers and social scientists should realize the fallacy and the danger in such a program which spells both more crime and more war. Equally dangerous are the proposals of the American fascists.

Probation officers and case workers as such may have little part in effecting such basic cultural changes even when they

are needed for crime prevention. The case approach alone cannot reach these problems. As good citizens however, probation officers and others may play a major role because they realize more than others the costliness of these elements in our culture. They seem even more provocative of war than of crime.

Realization that American culture produces crime has a significance closer to the distinctive role of the probation officer. For one thing this realization changes our attitude toward the criminal—toward the particular type of exploiters with whom we criminologists and probation officers deal. Of course no amount of emphasis upon other and more serious types of exploiters can or should make a thief, kidnapper or robber as such one whit more attractive. We must be protected against these dangerous men and women. But the knowledge that they are a small minority and not the most serious among exploiters should give us perspective. When a prisoner escapes from Joliet we need not tremble quite so fearfully when we realize that he is no more a menace to society than thousands whom nobody thinks of putting in prison. We can see the real enemy as exploitation and not merely that form of exploitation defined as crime. We can feel we are dealing with more normal people. We can fight more intelligently and conscientiously the stigma which society attaches to a man with a criminal record but not usually to the other exploiters. That stigma, not uniquely deserved, is a major handicap in probation and parole work.

The importance of the cultural emphasis in practical work is seen when one studies the attitudes of prisoners. Possibly similar studies of probationers' attitudes have been made. My former assistant Donald Rasmussen spent two summers in Joliet studying inmate attitudes. He found them varied, definitely dissimilar. But important among them was the attitude that everyone has a racket, that crime is only one

form of racket, and that most criminals are relatively petty racketeers. Wardens and guards were often regarded as untrained political appointees, the men who watch the prisoners being also in a big racket. If such attitudes are half false, they are also half true. How many prison officials, probation and parole officers deal with such attitudes? One of the best methods at the institutional level is through social education such as exists in some New York prisons. Perhaps better still is the new movement in Florida and Indiana to teach selected convicts a bit of criminology. There inmates learn the need for cooperation, for social control, for law. There inmate interest is enlisted not in avoiding capture next time but in working toward a more cooperative society.

#### *Criminology for Probationers*

Just how such work may be done at the probation or parole level I am not sure. Maybe it has already been tried. In my ignorance I see no reason why social studies and even a popularized criminology might not be provided for probationers and their families. Attendance at such discussions or classes might or might not be conditions of probation. Such a requirement would be at least as reasonable as requiring girl parolees to get home by ten o'clock and so miss most of the fun and advertise their parole status; or even as reasonable as forbidding parolees to marry without permission. Of course separating probationers from non-probationers in these classes would often be impossible and perhaps often unwise. Sometimes attendance for more inclusive groups might be possible. In any case effort might be made to convey the philosophy and point of view we have stressed through the informal relations between probation officer and probationer. As a result of such discussions probationers and inmates may discover that not everyone has a racket. Moreover their own overpowering sense of failure may be reduced by seeing themselves not as a

class apart, but as elements in the general problem of failure to socialize. Seeing the need for socialization—so go the reports from New York and elsewhere—the criminal develops more social attitudes himself. When a genuinely cooperative frame of mind is achieved the battle is more than half won.

### *A Case in Point*

May I close with a case illustration and ask your advice about it? I was recently asked to help with the parole adjustment of an eighteen year old boy whose latest offense was stealing a car and driving it across two states. He was to be paroled after a year or more in a federal reformatory where he had adjusted well. Previously he had participated with a boys' gang in breaking into a grocery and had taken a car on a dare and wrecked it. For the latter offense he had been given probation. He had broken probation by stealing some money and had been sent to St. Charles,<sup>1</sup> where he did unusually well. Returning to his small town home he was disappointed to find that his St. Charles studies would not be accepted by his high school, and that some of his former friends scorned and avoided him because he had been in a correctional school. Apparently in reaction to these disappointments he committed his federal offense. Investigation shows that the boy's present family is respectable and cooperative. However his own father was divorced from his mother when the boy was two years old and the boy has never known his own father who has been in prison more than once and at last accounts was characterized as a jungle bum. The institution authorities feel they should not try to locate the man because he is unfit. But the boy persists in his efforts to find or know about his father. As nearly as we can tell, this unsatisfied yearning plus rejection in his home community accounts for the boy's offenses. The boy fears his father is no good. Partly on account of

<sup>1</sup>Illinois State Training School for Boys

his father's reputation he is himself denied status, and is thus differentiated from his stepbrothers and sisters who like him but consider him to have inherited his father's weakness. He is headstrong and reacts to this situation by identifying himself with his unknown father and rebelling against "respectable" people, though showing affection for his present family.

What to do? The boy's IQ is 133, he has musical talent and he has shown real ability in school work under favorable conditions. At the federal institution he has done pretty well in commercial classes and says he would like to take up clerical work on the outside. The army probably will not take him for some months but may eventually. It is hard to see how employment and even some success at typing and related work can become a life aim for such a boy. It cannot meet his longing for his father nor give him status among his former friends. Our hope is to keep him close to the university where we have employment for him. We want to substitute for a minor interest in commercial work, a major interest in a university career after he has made up his high school work, and probably after the army is through with him. My own inclination is to doubt that this program will be successful so long as the father-son imaginary relationship continues. We'd like to make him feel that his father is some good. But his father is no good. Probably we cannot change the father even if we can find him. This boy's real problem as I see it, is in our culture. The boy unwillingly, and his community willingly, accept the dominant view that men fail or are criminals because they will to be criminal or perhaps because of some hereditary defect. The boy and his community divide mankind into two categories—sheep and goats. Both need to discover that with reversed experiences the goats would have been sheep and the sheep, goats. Both need the mental hygiene point of view. Only after this boy comes to see his father

as a product of experience can he again have respect for a dad who today is a jungle bum.

My query is this: Can we tell this boy the truth about his father without lying to him? Can we overcome the father influence and make the boy immune to the influence of a suspicious community? Can we teach his community enough criminology to change their attitude toward him? Will it do him any good if I take the boy into my criminology class or somehow get over to him informally its basic teaching? That teaching is the subject matter of this paper. The criminal is a product and we should all have been criminals if we had had the experiences of criminals. Can I get this boy to see his own father as a product? Can I get him to feel that his father's experience may have been similar to his own but without an opportunity to understand the situation and find a way out? Can I get him to take the mental hygiene point of view toward his father and toward himself? Can I make him immune to his father's influence if he should find him? Can I possibly arouse in him enthusiasm for preventing crime? Or for an improved social system? Is it worth trying? I do not know. I leave these questions with you.



## Public Relations of Probation and Parole

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PAROLE and probation officers have one of the most difficult of public relations jobs because the public finds it hard to understand modern attitudes toward offenders. The average man feels a fine, self-righteous satisfaction in taking a tough attitude toward all criminals. Explain it on whatever grounds you may—whether it is basically revenge or sadism or compensation for his own resentments against restraint—the man on the street is usually for vengeful punishments, an eye for an eye and “no coddling of criminals.”

The advances in modern penology in the last generation are therefore very remarkable. They are due, I am convinced, to the labors of a comparatively small group of men and women who have produced a very convincing body of studies influencing not only the professional penologists but our lawmakers as well. But I believe that the public is not convinced. I should not be too dogmatic about it for I know of no poll or measurement of public attitudes on this matter; but I think the public has not been educated in modern penology as an agent for social improvement, and that it pretty generally looks upon paroles (its attitudes toward probation is better) as the result of favoritism, graft, political chicanery, and what is known as pull.

This is a sad state of affairs. It adds difficulties to the administration of parole and probation systems which should, to be fully successful, enjoy general popular support. The remedy seems to an outsider to be threefold. I doubt-



less speak with more boldness on the matter because I am an outsider with an immeasurable fund of ignorance in this field of knowledge.

I have a deep faith in a job well done and the effect it will eventually produce. We all know that this job has not always been well done and that inadequacies and mistakes of the past have done much harm. But in the long run parole and probation will make their way and win general approbation chiefly because they are right and because their administration steadily improves. The great improvement of recent years is of course most heartening. The best way to win popular approval is to do the first-class job of administration that many states are now doing.

Second, the schools and colleges can do much to educate the more intelligent public in the matter of modern treatment of offenders. I am uninformed as to inquiries which may have been made into the education of youth along these lines. But if no effort or little effort has been made in this direction, I submit that high school courses in civics or American problems, and college courses in sociology ought to contain careful factual information about parole and probation. I know that in many colleges courses in criminology are well taught and popular. Education within the school and college pattern is undoubtedly one of the best methods for breaking down the old idea that arbitrary and fixed punishments are the only means of satisfying something called justice, and building up the idea of reformation by a studied system.

The third method of influencing public attitudes is through the press.

First, a few words about magazine articles. The persons competent to write for the magazines about the three P's—probation, parole, and pardon—are those who have had extensive experience and have made competent studies in this field. They are the persons whose observations are

valuable to the public and who ought to be heard. But in at least nine cases out of ten these persons have never studied the art of writing for the magazines, know nothing about selling to them, and are in short, helpless in that kind of endeavor. It really is not so difficult providing that you start with some little talent or flair for writing. Your material is fine human-interest stuff with inherent popular appeal. Perhaps I may be permitted to give a few suggestions for such work:

- 1) Employ an informal, easy style of writing not unlike that which you would use in talking to a group of friends about your own fireplace.

- 2) Be sure to make your beginning interesting—even exciting. It may be a dramatic incident, a startling statement or a tie-in with some timely situation or event.

- 3) Use many illustrative cases throughout. This will give life to your article. It is, I am sure, your best resource. It will sell your stuff. Of course you will not use actual names and you will disguise places; but it would be folly to write an article on probation work without utilizing the rich body of actual human material to which you have access.

- 4) Don't try to cover too much ground. Choose some interesting phase of your subject; leave other matters for future articles.

- 5) When the article is written and carefully typed on good paper, don't be discouraged if it comes back from the first magazine to which you send it, or even from the first ten. Study the different periodicals as to the type of material and the kinds of articles they use and do your marketing intelligently but persistently. There are reliable literary agents who place manuscripts for authors; and you may be able to sell yourself to one of them especially if you have a reputation in your field and can write well. In that case the agency will take over the marketing of your work; but

usually the beginning writer must be a free lance and do this work himself. One other thing: if you can't do the writing yourself you may be able to find an experienced writer who will do it as collaborator or ghost writer.

But we are concerned chiefly, I understand, with the newspapers. Some of you have suffered under unsympathetic newspaper treatment of your work. I believe that in Missouri the newspapers very generally have been helpful and understanding in regard to both parole and probation work. I know of cases in Iowa and Illinois in which papers have attacked the whole parole and indeterminate sentence concept. What is to be done in such a situation? There is no single answer. Free expression of opinion is the inalienable right of the newspaper. One thing there is which ought not to be done—writing angry letters to the editor. He always has the advantage in such a controversy; he has choice of weapons, choice of place, and the last thrust. Friendly conferences in which data and records are shown in confidence—putting all the cards on the table—are of course more effective. I know of one influential and high-grade newspaper which was won over in precisely that way.

Not all newspapers are high-minded, reasonable and strictly ethical. But most of them are. They are like men and women generally, variable and divergent. It is difficult to generalize about them. I like to tell my classes that there is only one safe generalization about newspapers, and that is that no generalization about them is safe. In short, newspapers are very human agencies. But they are nearly always above their communities in intelligence and information; and in too many respects to name, they are assets to the society in which they function.

But you cannot deal with the newspapers effectively unless you know them. You must know first that the newspaper exists for news. News is its life-blood. The newspaper man will be reasonable about branding a man as a parolee

in a community, or about digging up his past to the ruin of his present. But he expects you to be reasonable in the event of the breaking of important news even when it is disagreeable to you.

And don't get the idea that crime news is an evil per se. It is an evil only when it is overplayed, when it makes a hero of a criminal by emphasizing his daring and skill, or when it prints salacious or improper details. To suppress news of crime would be to distort the picture of the world's events to which the newspaper is dedicated as to an almost religious mission. The wrong is in evil itself rather than in the recognition of evil. To shut our eyes to wrongdoing is in itself a crime against the truth.

But to return to this matter of knowing the newspapers. Anyone in public work ought to make it his business to know the newspapermen in his area, to understand their job and to work with them. Almost invariably you will find them approachable and likeable. They will be interested in your work; you should be interested in theirs. You are either going to work with them cooperatively or always be at odds with them; and there is every advantage in the former situation. This does not mean that you need to be a publicity hound—the name newspapermen apply to the man who is constantly eager to get his name and picture into the papers. It means that, being in public work, you recognize that the public press has a right to all legitimate news about that work. More fundamentally, you recognize the right of the public itself to the news about its affairs.

There is something further to be said in regard to matter which you wish to get into the papers. The word propaganda does not frighten me. I think there is such a thing as good propaganda—if the cause is good, the origins open and aboveboard, and the facts true and fairly presented. So you can call matter favorable to parole and probation propa-

ganda if you want to. But always remember that a newspaper is a newspaper, and what you want to get into it must at least have some connection with the news. It must have timeliness, it must bear on a current problem or interest.

This matter of propaganda is a ticklish one. Newspapers are, generally speaking, on their guard against it. Every paper receives tons of stuff every year representing the views of many pressure groups who want publicity for what they consider good causes. Perhaps the best advice I can give you offhand is not to be too demanding and to keep your eye on news values.

In conclusion let me say that it seems to me that probation officers ought to make the best public relations men in the world. For the very qualities which they need most in their work are the qualities which make good public relations. First, common sense—there is nothing better for meeting the problems that come up in connection with press and public. Second, patience and an equable temper—anger enlarges a rift to a chasm irreparably. Third, a cooperative spirit. Getting the other fellow's point of view, understanding his problems, sympathizing with his efforts—these attitudes are essential to both the probation officer and the public relations man.

## II WARTIME CHANGES IN PROBATION AND PAROLE



### Meeting War Problems in Probation and Parole

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IN the year preceding Pearl Harbor and the year immediately following, probation and parole supervisors of the federal, state, county and city governments found themselves with additional activities as well as responsibilities in connection with men and women under their supervision.

In discussion of a subject national in character, it is advisable that a brief statement be made to indicate the sources from which our observations are derived. The federal Eastern District of New York with administrative offices in Brooklyn, is the heaviest populated federal district in the United States. It comprises three of the five counties of the City of New York (Kings, Queens, Richmond) and the counties of Nassau and Suffolk. The counties of Kings, Queens, Nassau and Suffolk together include all of Long Island. The aggregate population is six million. These boroughs have become great war production centers in this country's all-out effort. Many hundreds of plants have converted their entire facilities to the making of war material. Some of these concerns have undergone extensive expansion. At least seven shipyards in the community are making some type of naval vessel under emergency schedules. With this mobilization of industries added to the greatly expanded and intensive shipbuilding program in

the Brooklyn Navy Yard, more than 30,000 are employed, which means that this area is producing war materials running into billions of dollars.

Approximately 1000 probationers and parolees are supervised by us each year. The problem of relating men so released to the war effort either by enlistment or induction into the armed forces, or by entrance into industry for the national defense, has taxed our facilities. We have the conviction that this experience is shared by all who have the responsibility of supervising probationers and parolees as well as by social workers in allied fields. To indicate the extent of this alignment we quote from the annual report of our U. S. court administrator which indicates that for September, October and November upwards of 17,000 probationers throughout the country earned \$4,188,601.04, an average of \$246.38 each.

It is axiomatic that the armed forces of the United States as well as industrial organizations should not be used as a dumping ground for criminals; on the other hand, men who although they have a conviction, are not criminals and have a fervent desire to serve their country, should not be deprived of that opportunity. Probation and parole supervisors by reason of their intimate knowledge of the individual as well as the criminal offense are particularly qualified to analyze and interpret individual fitness.

The period before Pearl Harbor was the formative period. That was the period in which regulations and policies were rigid and permitted no individualization. It resulted in many disappointments and hardships affecting the individual, and undoubtedly deprived both government and industry of many a worthy and willing worker. Those of us who did the spade work in those days found ourselves in the position of an intermediary between the individual under our supervision and the representatives of personnel units of the armed forces as well as industry. We were called upon to give the background of the individual under

our supervision, his marital status, employment record, and in particular, his degree of culpability for the offense which blocked his path.

We were called upon to distinguish between felonies and misdemeanors, and had to meet such hazards as the release of a man from probation without any definite assurance that the person so released would be accepted. It is gratifying to note that personnel units faced with rigid regulations carried our reports, suggestions, and even our arguments to their superior officers.

Immediately after Pearl Harbor there came into existence a new line of regulations and policies which were a great deal more liberal and still sufficiently rigid to disqualify a criminal as distinguished from an offender. The road ahead is not yet entirely clear.

We are going to discuss by illustrations a few of the fundamental problems presented by the war. It should be remembered that the first illustration occurred prior to Pearl Harbor and prior to the establishment of regulations which in a large measure have been liberalized.

### *An Involuntary Counterfeiter*

In the early part of 1938 Tommy, a young orphan, came under probation supervision with a distinct legal handicap. At times there is a tyranny in words. The statute under which Tommy was convicted concerned itself with the "possession of paraphernalia to manufacture counterfeit money." Words such as "counterfeiting" and "narcotics" stimulate the imagination. Our investigation of Tommy indicated that at the age of sixteen he was released from an orphanage. He obtained employment in a restaurant where he worked unusually long hours but applied himself faithfully and diligently to his job. Tommy was of Norwegian descent, strong, active and anxious to succeed. Also the sea was in his blood and since he had one day off every two weeks, he spent the time on the waterfront so that he might watch the ships. One day while walking along the waterfront he met a well-dressed, important looking gentleman who asked a few idle



questions and then struck up a real conversation. In no time at all they became fast friends. It appeared that this man was an engraver, that he had a "pull" in his craft, and that Tommy could easily become an apprentice. He told Tommy to visit him at his rooms and Tommy, delighted with his new acquaintance, did so. While there the man told Tommy that everyone had to take care of himself in this world especially if he were an orphan. He then showed Tommy plates for making bills. Tommy was then told what an easy way this was to make money, and that poverty need no longer be his. Before Tommy could even decide his course of action, the place was raided and Tommy was arrested together with his so-called friend. When they reached police headquarters Tommy learned that his friend was a well known counterfeiter. He had been in and out of jails for the past twenty years, and his only interest in Tommy was to get a "fall guy" to pass the bills. Fortunately for Tommy the plan was nipped in the bud.

Our investigation indicated that Tommy's school work had been excellent, his employer spoke of him as one of the best employees he had ever had, and his landlady with whom he had resided for a year held him in high regard. Through our efforts a position was secured for Tommy with one of the borough's largest baking companies. For a period of eighteen months Tommy worked from five o'clock in the morning until late in the afternoon without missing a day. Incidentally, his friend was sentenced to ten years in prison.

About May of 1940 Tommy attempted to enlist in the navy. He passed his physical and then came face to face with his "criminal record." It appeared that although the recruiting officer did everything in his power to interpret to his superior officer the mitigating factors, the regulations made his admission into service impossible at that time. Tommy then tried the army coast artillery. The correspondence between the officer in charge for the Coast Artillery Corps of the southern New York recruiting district is an excellent example of the intelligent cooperation which we received even though it seemed that since Tommy had been convicted of a felony he could not be accepted by the army regardless of the fact that he received an unconditional release from probation in advance.

This is not the entire story, departmental correspondence

never being definite. Both branches of the service were apparently favorably predisposed toward Tommy, but the character of his conviction and the words used to describe him were undoubtedly his most serious barriers. Had these events taken place in 1943 Tommy would undoubtedly be in the army today. At this writing he is with the merchant marine on the high seas and is giving a good account of himself.

We now discuss by way of illustration a case which developed after Pearl Harbor. At this time personnel supervisors had become more conversant with distinctions between offenses, and also had learned how to differentiate between criminals and offenders. It should be noted in passing that there were instances in which personnel supervisors were so liberal in their interpretation that they had to be informed of the risk to the armed forces as well as to industry in the acceptance of certain classes of cases.

#### *Polish Parolee Inducted*

Kasimir was a young boy of Polish parentage, aged twenty, of good appearance and excellent physical equipment. He had been sentenced to a term of three years for stealing an automobile. The conviction occurred in June of 1940, and while this young man was on parole after serving part of his sentence, he violated the conditions of his parole in that he left the district with a friend to go on a trip to Philadelphia. There was some question as to the ownership of the friend's car, and even though that matter was cleared up it was necessary for him to be returned to the institution. While he was on parole he had made several attempts to enlist in our army as well as the British army, but he was not accepted on account of his record. When he was again released in October of 1941 his institutional adjustment had been excellent and he had learned the welding trade. Despite the fact that industrial opportunities were opened to him, he had a fervent desire to serve in the armed forces because his mother and the rest of his family are still in war-torn Poland. He called upon the chairman of the Selective Service Board who was impressed with the young man's sincerity,

and who in turn consulted us. In February 1942, exactly five months after his re-release, his induction into the armed forces was facilitated and he is now serving somewhere in Africa.

The following illustration is used to indicate the service that probation and parole supervisors render to industry in connection with persons released from institutions. At the institutions these men now receive training in fields connected with the war effort. With industry as well as the military forces we ran the entire gamut from the time when a person with even a semblance of a tilt with the law was prohibited from obtaining employment to the present tendency to examine each case on its own merits.

William was about twenty-two years of age when he was convicted of violation of the Dyer Act and was sentenced to eighteen months in the U.S. Penitentiary at Lewisburg, Pennsylvania. He was a product of a disconnected home life in the slum area of the city. At the time he was arrogant, opinionated and believed the whole world was against him. At the institution he was induced to take up the welding trade and his instructor spoke of him in the highest terms. About two weeks prior to his release we contacted one of the largest industrial plants in the borough in his behalf. We gave a history of the inmate and the excellent report of his instructor, and thereby secured the promise of an interview. When William was released he had little faith in our ability to help him. When he learned what had already been done for him he changed his attitude. He passed the interview with success and is now in approximately the ninth month of his employment.

#### *Selective Service Assistance*

Society is a complex organism. There is no escape from the necessity of handling problems en masse. Laws are rules of conduct which have for their objective the preservation of orderly society. Regulations, as for example, regulations of the army and navy, are rules of conduct to provide for uniform administration where a great variety of activities

exist. Policies are rules of conduct which are used principally in connection with industrial organizations. Officials transmit policies to their subordinates as agreed procedure based on past, present and anticipated experiences. Rules, regulations and policies are part of the mechanics by which the activities are operated. They are subject to change and must never be regarded as permanent when the object for which they were intended ceases to exist, or when it is evident that they work a definite hardship on the individual.

The Selective Service Act brought additional activities to probation and parole supervisors; failure to register, failure to report change of residence, fraud in connection with a material statement, and conscientious objections are among the problems. Whether or not failures in these areas were intentional, and to what extent excusable, if at all, have to be determined at the source by the prosecutor or after conviction by the court through the medium of the probation investigation.

In our district the United States attorney has organized a unit for the clearance of this activity. Where it appears that a violation was not wilful, and there appear to be factors of mitigation, and the individual expresses a desire to enter the armed forces, his induction is arranged and no criminal process follows him through the balance of his life. Where there is reason to believe or it is competently represented that the person is of unsound mind, he is committed on court order for observation. If insane, he is released to the state authorities and the local board is so advised. If sane, prosecution and incarceration follow as a matter of course. Our courts have therefore found themselves confronted only with bonafide violations of the Selective Service Act. Convictions have followed speedily and with a degree of definiteness that left no doubt in the public mind of the efficiency with which the law was administered.

Investigation prior to sentence is one of the principal services rendered by probation and parole supervisors to the

court. Although it was originally intended that investigations should be selective and apply only where the court has reason to believe that rehabilitative factors exist and that probation may follow, we have now arrived at a point where it is accepted as a matter of course that every defendant should be investigated prior to sentence in order that the court may have before it a complete picture. Offenses for which investigation must be made have greatly increased because of the war. A partial list of these new cases includes espionage, sabotage, failure to register as an alien, violation of selective service, violation of OPA regulations, theft of government property, illegal wearing of uniforms. It is a conservative estimate that the work of U. S. probation and parole officers has increased at least 25 per cent and will continue to increase in proportion to the increase in laws and regulations. Investigations prior to sentence, after they have served their usefulness in court, are transmitted to institutions to provide authoritative knowledge of the factors upon which the inmate was sentenced, and to support further detention in the case of enemy aliens, and further planning where a study indicates that the individual is worthy of consideration.

What then is the new function of our agency of government? As we see it, it is that of a liaison officer between the individual under our supervision and agencies having to do with the war effort whether they represent the army, navy, marines or industry.

It is the first prerequisite that we educate ourselves and become conversant with the problems of personnel units. We in all probability have a greater knowledge of the individual under supervision than they have; but on the other hand, we do not and cannot have more than an imperfect knowledge of the underlying reasons for their regulations and policies. It is my thought that we should adopt the policy that prior to a decision we are in duty bound to transmit our point of view to those in charge of personnel. How-

ever, once a decision is reached by the supervisor, we should abide by it without comment.

The illustrations we have given represent the experience of all probation and parole supervisors. None of our activities whether successful or unsuccessful fall on stony ground. We are on new frontiers, but we have all been on new frontiers before and know the effectiveness of sincerity of purpose, perseverance, tact and courtesy together with a definite knowledge of our work and what it will accomplish.



## Federal Probation and Parole in Wartime

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IN the January-March, 1943 issue of *Federal Probation* Henry P. Chandler, Director, Administrative Office of the United States Courts, traces the difficulties which faced federal probation officers in placing probationers and parolees in defense plants at the beginning of our preparation for war, and indicates the changes in activities of federal probation officers throughout the country. These changes are by no means uniform throughout the various court districts, and therefore it is my purpose to use some of the general topics indicated in Mr. Chandler's article as a basis in describing new conditions in the northern district of Ohio.

The huge number of men called for induction into the armed forces of this country naturally included many who were on probation or parole. In many cases selective service boards felt from their knowledge of these men that a large percentage of them were loyal American citizens deserving of a chance to fight for their country. The fact that such men had been convicted of felonies however, caused the draft boards to pause and consider whether or not they were eligible, and if so under what conditions. In a majority of these cases the draft boards sought the probation officer supervising the registrant, requested a verification of the criminal record, and asked for a release from supervision. Although we found that in only a few cases the boards also requested an appraisal of the character of the registrant, nevertheless in our reply to an inquiry of the draft board, we followed the policy of briefly sketching

the history of the registrant along with a summary of his record. These reports have been received with a great deal of appreciation by the selective service boards.

On February 27, 1943, a memorandum from James V. Bennett of the Federal Bureau of Prisons, directed probation officers to check over men under supervision to determine whether some might be reclassified for induction, and if so, to notify the proper draft board with a request that the registrant be considered for reclassification. We have found that for the most part the boards have been sending the eligible probationers and parolees to the induction center without waiting for a recommendation from the probation officer. Changes in selective service regulations sometimes have come at a later date than the instructions to the induction centers, and as a result the draft boards occasionally became discouraged over the fact that men with felony convictions who were eligible for induction according to the selective service regulations were being turned down at the induction centers. In a few cases the probation officer found that it was part of his duty to tell the draft board what papers were needed for acceptance of the man at the induction center.

Enlistments are different. Before the ban was lowered upon regular enlistments, a number of men under our supervision tried to enlist in the army, navy, or marine corps with the result that in almost every case they were turned down flatly at the recruiting office because of their criminal records. A very few especially deserving cases were discussed at length by the probation officer with recruiting officials, and upon the unreserved recommendation of the probation officer the men were accepted. Speaking generally however, enlistment has been barred to otherwise qualified men on account of one or more felony convictions.



*Violators of Selective Service Act*

In regard to selective service cases, the federal probation officers have been called upon for a great deal of investigative work which was not needed prior to passage of the Selective Training and Service Act of 1940. The Bureau of Prisons of the Department of Justice early found that many of the men committed to federal institutions for violation of this act were of such mental makeup that they could not be cared for by the regular institutional authorities and that as a result the whole institutional program of the Bureau of Prisons was suffering. Therefore a request was made that the probation officer furnish a report of the defendant's family history before the man was committed to a federal institution. Special attention has been paid to all available medical and psychiatric information concerning the selective service violator. In many federal court districts, as reflected by Mr. Chandler's article, the probation officers have taken an active part in making these investigations immediately after arrest. Numerous cases have been found where the violation was the result of misunderstanding or neglect, and the defendant wanted to get into military service. Through the efforts of the probation officers many of these men were inducted into the army. Others were in need of psychiatric attention rather than incarceration.

In this district the procedure of immediate investigation after arrest is followed in the Toledo office. In Cleveland our court has requested the U. S. district attorney to give all selective service violators an opportunity to get into military service, and except in unusual cases he is able to secure the induction of all men arrested on selective service charges who are physically fit and wish to get into military service. He is able to do this by the active cooperation of the police, the draft boards, and the psychiatric clinic of the criminal courts of Cuyahoga county. Those prosecuted

are for the most part the ones who refuse to enter the army. Arraignment of violators follows about a week after indictment, and consequently in most cases our investigation is made after a plea of guilty has been entered. In those cases in which the court desires information before sentence, a pre-sentence report is made, but the majority of investigations and reports in the Cleveland territory are made after sentence. These reports are used by the Department of Justice in designating the proper institutions for the violators, and by the institutions in their study of the individual. A limited number of selective service violators have been placed on probation with the usual condition that the probationer enter military service.

#### *Increasing Case Load*

The question naturally arises as to whether the new war conditions have made a noticeable change in the case load. Here again I can speak only for this district. Records of the total number of cases under supervision at the beginning of each month in this district, from March 1940 until the present time, indicate a gradual increase of cases from 194 in March of 1940 to 395 in February of 1942 when the high point in number of cases under supervision was reached in this district. From February to June 1942 there was a drop to 332 cases, and since then there has been an uneven increase to the present number of 371 cases as of April 1, 1943. There appears to be no significant trend in these figures which can be attributed to the war. There has been however, a distinct difference between the ratio of probationers to parolees within the past six months. For a period of twenty months previous to November 1942, we had an average of approximately 100 more probation cases under supervision than parole. Roughly, this relationship was almost two to one. Within the past six months the number of parole cases has increased and probation

cases have decreased until at the present time the distribution is almost exactly half and half. This I believe can be attributed largely to the fact that of the selective service violators (who compose a large proportion of criminal cases in the federal court) few are placed upon probation. Some of the loss in probation cases can be attributed to induction into military service. Several months ago at the request of the Administrative Office of the United States Courts, we began keeping figures of the number of probationers who had entered the armed forces. This list was comprised of men who were under probation supervision immediately prior to induction, and to date 36 probationers of this district have entered service. We know of none who subsequently received a dishonorable discharge.

So far this discussion of the types of cases under supervision has referred to probationers and parolees, distinguishing only as to whether or not the individual has been incarcerated before he comes under supervision of the probation officer. Actually the parole cases referred to are made up of two classes, those on parole and those on conditional release. The former class consists of men of less serious criminal records who have been granted an early release from the institution by the United States Board of Parole. The second class includes men who have been denied parole, usually on account of a more extensive criminal record or for other reasons, and who have been released by operation of the so-called good time law. No figures have been kept from month to month to see how many men of each class are accepted by the army for induction while they are on parole or conditional release, but a check of the active files in the Cleveland office in May 1943, indicated that of 86 men on parole 18 were actually in the armed forces, while of 73 conditional release cases, none were in military service.

*Employment Changes*

Having mentioned the work of the federal probation officer in connection with his cooperation with draft boards and induction offices, and his new investigative duties, I wish now to mention briefly some of the changes which have been noted in probation and parole supervision. Until about two or two and one-half years ago, employment was a predominating problem with which the probation officer had to contend. Any plan of supervision presented to the court for a prospective probationer was geared to his employment, and the regulations of the parole board provided that no man who had been granted a parole could be released from the institution in which he was being held until such time as he had available employment approved by the probation officer of the receiving district. This meant that a large part of the probation officer's time and energy was spent in finding employment for those under his supervision or in investigating a prospective parolee's employment offer. Now the employment picture has changed altogether. Employment per se is no problem, but attendant difficulties have arisen. The probationer or parolee who a relatively short time ago had difficulty in earning enough money to support his family, now has a much better job and is earning more money than he has ever been accustomed to before. This is particularly true of men who have come to metropolitan areas from rural districts. When they can earn enough to live comfortably by working about four days a week, they have a tendency to leave work for several days at a time. This of course ties in with the general problem of absenteeism throughout industry today. Many persons reporting to the probation officer have to be cautioned about the manner in which they waste their time and spend their money. Many need to be given advice concerning the purchase of war bonds and establishment of savings accounts. It is a rare case when

a savings account is started voluntarily, or as in one recent case that a man whose home is in Alabama puts his extra money into the purchase of farm lands.

For almost two years figures have been kept as to the earnings of federal probationers, and for the past ten months the average monthly earnings in this district (of those reporting their earnings in time each month to be included) have been \$156. From this figure it can be seen that the earnings of this group compare favorably with those of a similar group of unskilled or semi-skilled workers.

Because changes in employment are frequent the probationer or parolee often shifts residence to be nearer his work, or he fails to disclose his criminal record to his employer and is later found out as a result of fingerprinting. Married men in one part of the country leave their homes to go to other districts where employment is available, and family difficulties arise. The probation officer is called upon by his clients for advice in all kinds of circumstances, and he must stand ready to give an employer a true picture of the character and capabilities of a man under supervision who is being considered for placement. The probation officer frequently finds no one at home when he visits and the probationer or parolee naturally is not reached at his place of employment except in emergencies. Longer working hours have made it difficult for the average man under supervision to report during regular office hours, and a practical solution of this has been found in keeping the probation office open one evening a week.

Amid these problems and others the probation officer is constantly aware of the changes in his work because of war conditions. In his day to day contacts he is frequently in touch with the local draft boards, and in his investigative work a large part of his time is spent in connection with violations of the Selective Service Act. Personal contacts with his clients are not as frequent because of employ-

ment changes, and the kinds of problems encountered are for the most part different from those of several years ago. The probation officer must be willing to give his time and energies freely wherever he can be of service, and if he does this he himself knows that he is doing his part to assist his country and his fellowmen.



## Using Probationers and Parolees as Manpower in the Military Service

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EVER since this country began to prepare actively for participation in the present great war and passed legislation requiring a certain period of compulsory military training for all men between the ages of twenty-one and thirty-five, and particularly since December 7, 1941 when we were so suddenly and dramatically plunged into the conflict by the events at Pearl Harbor, one of the questions which has probably caused more discussion, misunderstanding, and disagreement than any other has been the matter of admitting into the armed services persons with criminal and prison records. Prior to the passage of the Selective Training and Service Act of 1940 this matter was governed by the old federal statute of 1877 which specified that "no insane or intoxicated person, no deserter from the military service of the United States, and no person convicted of a felony shall be enlisted or mustered into the military service." That same statute also held that pardons in felony cases did not make applicants eligible for enlistment since the pardons did not alter the fact that the persons had been convicted of felonies. Therefore under that law all persons on probation or parole, having been convicted of felonies, were barred from enlistment. However, this rigid ruling was somewhat relaxed by the Selective Training and Service Act of 1940, which was legally interpreted as permitting persons with court or prison records to be certified for induction into the army if the local

boards considered them to be morally fit for military service. In 1941 the old law of 1877 was amended by granting to the Secretary of War authority to use his discretion relative to admitting those with court or prison records. Moreover, an amendment to the war department regulations concerning selective service classification of persons who have been convicted of offenses, under date of April 8, 1941 provided among other things that any registrant should be excluded who "is on probation, parole, or conditional release, or under suspended sentence, so long as he is being retained in the custody of any court of criminal jurisdiction or other civil authority." Under this ruling men on probation or parole might be inducted provided the proper probation or parole authorities granted a suspension of supervision during the period of their military service.

On November 2, 1942 a further change was made in the army regulations, and we are now operating under provisions which have recently been summarized by James V. Bennett, Director of the Federal Bureau of Prisons,<sup>1</sup> as follows:

1) *Ex-prisoners* Those persons who have been completely discharged or have finished their parole or probation period will be accepted by the army the same as anyone else, unless they were convicted of the heinous offenses of 'treason, murder, rape, kidnapping, arson, sodomy, pandering, any crime involving sex perversion, or any illegal dealing in narcotics or other habit-forming drugs,' provided they have lived a law-abiding life in the community for a period of thirty days in the case of first offenders or ninety days in the case of other than first offenders. The local board may in especially meritorious cases request a waiver for any man who has committed one of these offenses provided he has adjusted satisfactorily for a period of six months or more after release from the institution.

2) *Prisoners* Men actually in prison will be accepted on discharge or parole if they are recommended by the Selective

<sup>1</sup>Address before Congress of Correction October 1942



Service Board and also approved in advance by the Army Service Command. In any case, the Service Command may, but need not, require that the prisoner first be released on parole into the community for a specified test period.

3) *Parolees and Probationers* Parolees (men who have already been released on parole or are soon to be granted parole) and probationers, who have not committed a heinous crime, may be classified and ordered to report for induction without the necessity of a waiver after they have lived a law-abiding life in the community for thirty days following release in the case of first offenders and ninety days in the case of other than first offenders. *All supervision and control of the parolee or probationer will, of course, be suspended or completely waived while the man is in the military service. The army cannot be expected to take any man who has any strings attached to him while he is in the service.* Once a man has been placed under military control, probation or parole supervision cannot, of course, be reinstated or restored until he is completely discharged from military control. As a matter of fact there is good ground to believe that most parole boards and courts will discharge any probationer or parolee completely and finally at the conclusion of his military service if he obtains an honorable discharge.

4) *Disqualified Offenders* There is one other class of prisoner who must be given special attention. That is the fellow who technically may have only one conviction for a relatively minor offense but who, nevertheless, has a long arrest record, or who frequently has been in difficulty with the law or who for other reasons is a wholly undesirable fellow. Such cases as the psychopath, the persistently intractable delinquent, the chronic disciplinary problem, the gangster or the known criminal who has managed to escape prosecution except on the occasion that now brings him to court or prison, will not be accepted. It is up to the institutional selective service boards, prison authorities, parole boards, and probation officers to screen them out and not to permit them to enter the army regardless of their technical status or whether they are in prison, on conditional release, on probation, or on parole. Suspension of parole or probation should not be granted such cases.

*Rhode Island's Experience*

In Rhode Island the supervision of probationers and parolees is well integrated through the Division of Probation and Parole within the Department of Social Welfare. The entire state is divided into twelve judicial districts, and our probation and parole counselors investigate and supervise all persons, both juvenile and adult, who are placed on probation or deferred sentence by any of our juvenile, district or superior courts, as well as all persons released on parole from our juvenile and adult correctional and penal institutions.

Like similar departments in other states we have been confronted from the very beginning with the problem of the enlistment and induction of persons with court and prison records and have endeavored to comply with military regulations in this regard, at the same time keeping in mind the fact that often persons with court records are not lacking in many of the qualities which go to make a good soldier. We believe that wearing the uniform of the United States military forces is a duty as well as a privilege, and that among the young men under our supervision are many who can serve their country well and honorably. Our nation needs its full quota of manpower, needs it today as never before. Permitting worthy and selected probationers and parolees to enter the armed forces utilizes available manpower; it is also of value to the individuals involved, particularly from the point of view of rehabilitation. While we all realize that the United States Army does not operate as a rehabilitative agency, nevertheless we must also admit that military service, discipline, and routine may have a very potent effect in the reformation of such men as these. Nothing is more effective in rehabilitation than trusting a man, giving him responsibilities, and relying on his honor for the proper performance of the

duties assigned to him. Few men will not respond to that sort of treatment.

If we deny these young men the right to serve their country in its greatest crisis we stigmatize them for the rest of their lives and do them irreparable harm, whereas if they are permitted to enter the military service and to take their places with their fellow citizens as workers in the common cause, they will return to society and to their communities after the war, not as ex-prisoners and ex-criminals, but as ex-soldiers, with the same status as all the other returning service men, with the same prospects of obtaining employment and of resuming a normal civilian life.

Up to the present time, 1050 men on probation and parole in Rhode Island have entered the various services. This represents approximately 31 per cent of our total adult case load of 3039 (period from Pearl Harbor to April 1943). We have not as yet heard of a man's experiencing any trouble in the service either because of poor conduct, being AWOL, or any infraction of military regulations. Several of our former probationers and parolees have won promotion to higher rank while serving their country and have given excellent accounts of themselves in every way. A goodly number have already been decorated for meritorious service. One of our counselors reports that two of his former probationers have earned their wings as sergeant gunners in the Army Air Corps; another man lost his life in the Marine Corps; and still another member of the Marine Corps survived the torpedoing of his ship and was rescued after having spent seven days in an open boat. Several of the persons known to us have already been killed in action.

To facilitate a man's enlistment or induction it has been necessary for our office to certify to the recruiting officer or to the local board that we had suspended supervision during the period of service. For that purpose we have

prepared mimeographed forms or waivers which also state our opinion as to the suitability of the individual for military life. These forms have been very helpful in our relations with the army officials.

### *Difficulties with the Navy*

Our experience with the navy has been somewhat more difficult. That branch of the service has consistently refused to accept a man with even a juvenile court record. In making recommendations to the navy we have always considered carefully the physical, mental, and moral status of the candidates, the circumstances and nature of their offenses, and in general their all-round fitness for service. We have never recommended persons guilty of serious offenses, such as habitual criminals, persons of low mentality, defective delinquents, sex perverts, drug addicts, or the like. Most of our recommendations have been made for first offenders only, yet we have met with considerable difficulty and with inconsistency in interpretation of the law and the regulations. Thus we referred to the navy recruiting office a young man of seventeen, of splendid physique and well qualified in every respect for the navy, who had received a deferred sentence on two charges. At a recruiting office he passed all the requirements and was told that if the state attorney general's department would nol-pros both cases, thus completely erasing his criminal record, he would be accepted. Before that action could be taken the recruiting authorities telephoned that a mistake had been made and that regardless of what disposition might be made of the charges by the attorney general, it was doubtful that the young man would be accepted by the navy. Informed of the situation the young man again visited the recruiting office when he was told that if our office would suspend supervision and would certify to that fact, he would be accepted. We were at a loss to under-

stand the logic whereby the navy was willing to accept the man if we suspended supervision, but would not take him if the charges were nol-prossed and his record completely cleared. One of our counselors accompanied him back to the recruiting office for a conference with the officials, but this time it was decided that he could not be accepted under any circumstances!

A young man who had committed three offenses, on one of which he had served a sentence of one year, volunteered in April 1942 for the navy but was refused because of his record. At his own expense he then went to the recruiting office in Boston, was accepted into the navy, and on May 29, 1942 was sworn in at Boston, with orders to report to the Providence recruiting office for induction with the Providence quota.

Several young men, some who had served time and others who were on probation, enlisted in the army or the navy without divulging their court records. Since our office was not contacted in any of these cases we assume that their records were never discovered or that they developed so satisfactorily in the service that the authorities decided to take no action.

Since the navy officials have been unwilling to accept certificates as to the suspension of probation and parole supervision, we have arranged with the state attorney general's office to nol-pros the charges in certain cases and have thus enabled qualified persons to enter the navy. This action is no longer feasible because of the provisions of Recruiting Circular Letter 18-43, dated March 13, 1943, and issued by Admiral Randall Jacobs, Chief of the Bureau of Navy Personnel, Washington, D. C., which provides as follows:

- 1) The following men will not be accepted under any circumstances:
  - a) Those convicted of any felony which is concluded with a prison sentence.

- b) Those men with previous convictions of charges involving moral turpitude.
- 2) Those pardoned as well as those who have completed their sentences.
- 3) Applicants previously convicted of offenses other than those listed above are left to the discretion of the recruiting officer who makes his decision after careful investigation of the circumstances and the record of the applicant subsequent to conviction.
- 4) Applicants with juvenile records are never accepted without prior reference to the Bureau of Naval Personnel, except that those cases involving only minor police court records are left to the discretion of the recruiting officer.
- 5) Applicants reared or trained in institutions having correctional features may be accepted only where in each case thorough investigation has disclosed that the applicant was committed through no fault of his own.
- 6) An applicant in a probationary status, or whose release from probationary status is contingent upon entrance into the naval service, will not be accepted.
- 7) In addition, a list of individuals ordered by the Bureau not to be inducted, enlisted, or reenlisted is published weekly by the Bureau. Such instructions are issued as a result of findings which may or may not include previous convictions.

Thus it is becoming increasingly difficult for young men with court records of any kind to be accepted into the United States Navy. It is interesting however, to note the provision in Paragraph 3 of the circular letter to the effect that applicants previously convicted of offenses other than those listed in the letter are left to the discretion of the recruiting officer.<sup>1</sup>

<sup>1</sup>The directive in force September 1943 reads as follows:

Felons will not be accepted by the Navy. Felons are interpreted as those who have been convicted and sentenced for more than one year for the following crimes and will not be accepted under any circumstances: registrants convicted of murder, rape, kidnapping, arson, sodomy, pandering, and crimes involving sex perversion, or for any illegal dealing in narcotics or other habit-forming drugs; heinous crimes of treason, robbery, grand larceny, theft, forgery, bribery, assault with deadly weapon, blackmail, mayhem, bigamy, and seduction.

*Official Interest*

We have received some interesting communications and comments from various officials and others interested in the problem of military service for young offenders. Mortimer A. Sullivan, Associate Justice of the Superior Court of Rhode Island, who has had wide experience on the criminal bench in our state, writes:

I firmly believe that many young men brought before me, charged with one or more violations of our criminal law, would make brave, willing, useful, courageous, as well as loyal soldiers or sailors, and would readily adapt themselves to the rigid discipline of the service and would render an excellent account of themselves.

I believe that our country and the probation departments have a fertile field from which to add to our splendid armed forces by recruiting many of these men for our army and navy, and to reconstruct and to restore to society many lads now being sent to jail while sincerely appealing for the opportunity to make good by serving their country.

The helpful attitude that is being taken by the Rhode Island selective service organization is indicated by the following statement of Brigadier General Herbert R. Dean, State Director of Selective Service. After reviewing some of the steps that have been taken to liberalize the induction regulations, General Dean says:

Rhode Island has relatively few men who come under this Class IV-F category. Several among them have contacted their local boards and state headquarters since the start of the selective service system, seeking a chance to redeem themselves. The new rulings will be good news to them. The stigma which they felt regarding their classification under the original act can now be removed. No longer will they be classified with hardened criminals who have committed heinous crimes. Those who wish, and indeed they all do, may have their cases reopened now. Their local boards will be glad to help them.

Thus the selective service system is doing its share in rehabilitating men of good intentions and deeds who are seeking

to reestablish their places in society. This new liberal policy should encourage many men who still believe there is no hope for them.

We have a very encouraging communication from Roy W. Magoun, chairman of Local Board No. 1, Newport, R. I.:

It has been the experience of this draft board that the relation between the probation officer and the local board is one of great importance. In every instance where the probation officer's advice has been carried out, the army has accepted men sent from here with criminal records, and it has been shown that they have been developed into excellent soldiers. I believe the reason for this is that most men with criminal records have felt that they were sort of outcasts, and therefore when the opportunity has been offered to give them a position in the military service of dignity and distinction, they have gladly taken advantage of the chance to make a kind of atonement to society in general and their families and friends in particular.

It is a little early to forecast the future, but I am convinced that such men as have been inducted will, when war is over, return to their homes and take their places in the community life as good citizens.

Probation and parole departments have therefore a most important duty to perform in connection with recruiting manpower for our armed forces and in contributing to an early victory for our nation and her allies. During peacetime the armed forces made their selection of personnel with great care in respect to law violators. The young probationer was told that he was not acceptable to serve his country although he was qualified mentally and physically. The army and the navy assumed that anyone who had been before a criminal court and placed on probation was incapable of being reformed. Efficient probation and parole departments well organized throughout the country, capable of passing judgment on the fitness of those criminals who will go back to mingle with members of a community, are now being increasingly used to select the offenders suitable to bear arms.





## Manpower from Prisons

MEDARD DEROCKER

*Director, Employment-placement  
U. S. Penitentiary, Leavenworth, Kansas*

THE Federal Bureau of Prisons, recognizing the importance of employment in the ultimate rehabilitation of the prisoner, has established employment-placement offices in the federal institutions at Atlanta, Georgia; Chillicothe, Ohio; and Leavenworth, Kansas. These officers are institutional-field operating units. The director of such an office familiarizes himself with the industrial establishments of his district, determines the employment needs and training methods of such establishments, and makes employment contacts that will enable him to place the trainees of the institutional training shops and industries in jobs for which they have been made fit. This is the long range view.

The United States Penitentiary at Atlanta has had its placement unit in operation since August 1940, and is now well along with its program. We who are yet in the organizational stage with respect to training can see what we must measure up to. The training shops at Atlanta are turning out many skilled men and placing them in war industries where they are performing vital tasks for which they have been specifically trained. The program operates in conjunction with the Vocational Education for National Defense program of the United States Department of Education and with state vocational-educational programs.

Training at the institutions in Lewisburg, Chillicothe, and El Reno, Oklahoma, is more advanced and even more extensive than at Atlanta. The aviation mechanics course at Chillicothe represents a real achievement for which much

credit is due the sponsors, but this program of training is no more important than other phases of the bureau sponsored program. Each phase has its purpose; each phase is due its credit.

The educational program at the United States Penitentiary at Leavenworth is rapidly moving toward the high goal already reached elsewhere. Trade trainees are being selected and the program inaugurated under controlled conditions which formerly did not exist. This does not mean that there has been no system of education and trade training at Leavenworth, far from it, but simply that new standards of achievement and modern methods of training are being adopted. It means that the most modern procedures in training prospective foremen are being inaugurated, that inmate instructors are being trained and certified. These changes are producing a better attitude among the trainees who are becoming better workmen, potentially better citizens. This is the purpose of the program.

#### *A New Attitude*

Perhaps this new outlook of the prisoner is the point to stress as his rather bad (but constantly improving) attitude has been the lone brake on vocational educational progress in federal institutions for a number of years. The prisoner of today is *looking ahead*. What has made him look ahead is the mystery. Some say it is the new attitude of the Civil Service Commission which has indicated a willingness to consider federal prisoners for civil service appointments in certain instances. Others think the new army regulations which offer the prisoner the privilege of defending his country is the biggest factor. Most prisoners consider James V. Bennett, Director, U. S. Bureau of Prisons, the man behind these movements and seek to give him the credit. Officially of course, we credit the accomplishment to a succession of changes in official attitude and procedures

that have taken place under several directors, notably under Sanford Bates. But whatever the reason, the change is an improvement and the proper steps to make it permanent are being taken.

The employment-placement service at Leavenworth was inaugurated August 1, 1942. In its eight months of operation many hundreds of contacts have been made both personally with heads of firms and by correspondence, and 135 placements have been made. Any solicited offer of employment to an individual client is a placement.

### *Failures*

Now this is a nice record, but unfortunately some of these placements—too many of them—didn't turn out happily. A breakdown of the record shows that eighteen of the placements were duplications resulting when employment credentials were sent to several employers and two or more offers were made the same client. Twenty-five of the jobs were unsatisfactory and were turned down outright. Five of the men promised to take jobs but failed to report to the employers. Six men reported for employment, worked only a few days and quit without reason. Four men were accepted by a large aircraft concern but took other jobs while awaiting results of supplemental investigations being made by plant protection officials. One man worked several months on a good job at a shipyard and was still on the job when arrested with a quantity of untaxed liquor in his car. One man violated his conditional release by drunkenness before reaching his destination. Seven were rejected as non-residents by a probation officer. Ten are awaiting release from the institution and fifty-nine are still on their jobs.

This average of eight-plus placements per month is not as imposing as we should like, but if only one per cent of these men have by our efforts been diverted from criminal

channels our work has been an outstanding success. Of the jobs refused at the institution five are noteworthy:

One man, an institutionally trained pipefitter, rejected an offer of \$1.65 hourly with time and one-half for over forty hours weekly, an opportunity to earn well over \$100 weekly. He had no other trade; he gave no reason for his action. Another, a machinist for a short time before the last war, rejected an offer of \$1.20 hourly. Reason: not enough money. In addition to his scant experience this man had a long list of convictions, yet the employer expressed himself as willing to train him at full time pay. A third, a former radio technician, rejected an offer of employment with electrical training at a starting salary of \$1.20 hourly. A fourth, an electrician by "feel," rejected a starting salary of \$1.00 hourly as being "hay." A fifth rejected an offer of employment at 95 cents hourly but accepted the identical job when it was sent in coincidentally by his brother.

Since the employment service operates only at the request of a client it is hard to understand rejections such as these, but it is interesting to note that of the 135 placements made, all were multiple offenders except six.

Whatever the cause of failure of a client it gives no comfort to the staff of the employment-placement service. We cannot help feeling that it is our failure. We feel that each man placed owes a debt of gratitude to the employer, who in many cases against his better judgment made a change of policy to offer a prisoner a decent chance to win back his self-respect and the respect of his fellow Americans. We are looking forward to the day when only the man who feels as we do in this matter will be offered for placement by the service.

#### *Successes*

There is some comfort for us in the records made by the fifty-odd men who have made good on the job. We are proud of them but I will mention only three:

The first, a prison-trained cabinetmaker who has been promoted to the position of foreman-instructor in a large aircraft plant in Kansas, has made a record with six months of service. He was serving his third term in prison. His record was not at all impressive. The second has been advanced to the position of leaderman at a west coast shipyard. The third, a prison-trained laundry mechanic, has done so well that he is now in charge of the floor of a large laundry and dry cleaning plant.

We feel that with our moderate successes we have broken some mighty tough soil and that the next few months will be better than the last eight. We want the credit for much of the work to go to the U. S. probation officers, the U. S. Employment Service, and the U. S. Railroad Retirement Boards whose cooperation has provided the range of outlets we must have to carry out our program.

### *Working Together*

I have had the pleasure of visiting probation officers in many districts, and in various ways these gentlemen have managed to assist me in making contacts and placements that I could not otherwise have made. Conversely, I have been able to break into some plants that the probation officer had not been able to use. Thus we have worked together to the mutual benefit of both offices. A recent example of the kind of cooperation I mean occurred on my last visit to St. Louis. I had made several contacts for a handicapped youth soon to be released from the reformatory in Chillicothe, but no one seemed interested. The case was brought to the attention of Mr. Weiffenbach, a prospective employer was called to the office, and the youth was placed in an excellent position to the mutual satisfaction of all parties concerned.

The U. S. Employment Service offices throughout the district are cooperating 100 per cent. The U. S. Railroad

Retirement Board, Kansas City, Missouri, is assisting in the placement of men with railroad experience. Harry K. Sorensen, regional director, and Mr. J. S. Hughes, district manager, have opened the avenues which will permit the placement of our men with many railroads.

In contacting 631 employers I have been turned down flatly and conclusively by only six. Some few have specified first offenders, but as a general rule the employer placed his faith in the service. An example of this faith is displayed by the personnel manager of a Kansas City firm who has chosen four of our seemingly better prospects. He has gotten one day's work out of the lot though fortunately none of them has caused the company any undue inconvenience. When I arrive at his office with a new offering this gentleman just smiles and picks a case or two. To our knowledge we have not lost a contact due to the action of the employee himself. We have established several solid working agreements because of the success of some of them. This is an encouraging sign but it points more clearly to our responsibility than it does to probable success in the future. We are ever mindful of this responsibility.

Two outstanding contacts have been established to provide our men with training opportunities. The Bechtel Shipbuilding Corporation, Sausalito, California, has taken four of our men for their welding school, and the Missouri Valley Bridge and Iron Company of Leavenworth is taking inmates for a course in arc welding with pay of 75 cents hourly while learning and a guarantee of \$1.20 hourly upon completion.

The federal prisons have progressed to a point where they are to be considered training schools for making men economically stable through honest work. The Bureau of Prisons believes that such trainees are worthy of jobs in private industry and has assigned the responsibility for find-

ing these jobs to an employment-placement service. The service and the cooperating offices of education, training, and classification-parole are endeavoring to select only the men whose activities at the prison have indicated a desire for honest employment.

### III FEDERAL WARTIME PROTECTIVE PROGRAM



#### The Federal Program for Social Protection

ELIOT NESS

*Director of Social Protection  
Defense Health and Welfare Services  
Federal Security Agency*

LATE in 1939 the War and Navy Departments, the Federal Security Agency, the U. S. Public Health Service, the American Social Hygiene Association and state health departments reached an agreement concerning measures for the control of venereal disease in areas where there were concentrations of the armed forces or large defense industries. This agreement received widespread publicity as the "eight point agreement," and in it were outlined the functions of the individual agencies, the end results desired, and the methods to be employed in attaining them. In May of 1940 the state and territorial health officers assembled in conference, approved and adopted the agreement.

This statement of federal policy was soon to be followed by definite decisions seeking the implementation of the indicated program. As a result of conferences between the Army, the Navy, the U. S. Public Health Service, the Department of Justice, and the Federal Security Agency, it was recommended that a section be established in the Office of Defense Health and Welfare Services to carry out certain phases of the eight point agreement. To exercise the functions outlined the Social Protection Section was established in 1941, and at a later date the Federal Security Agency



administrator delegated to that section the performance of his responsibilities under the May Act.

The general objectives of the Social Protection Section were visualized to be the protection of the armed forces and the civilian population from the dangers of prostitution, sexual promiscuity and venereal disease. Its method of operation was to be that of a fact finding and coordinating body which could gather pertinent material concerning the situation on a national basis, and which could offer consultation service and advice to communities in their own efforts to meet problems created by the war. It was and has been the purpose of the section not only to bring about law enforcement and the repression of prostitution in its various phases, but also to protect women from sexual exploitation and to endeavor to achieve the rehabilitation of the sexually delinquent.

#### *Public Support Not Ready*

The job was roughly one which involved the organization of all community forces for the assault on the varied factors which are responsible for the dissemination of venereal disease. It became immediately apparent that the effects of prostitution had not previously been brought to the attention of the public in a manner calculated to elicit support, not on the basis of a reform movement, but simply on the fundamental fact that a nation such as ours, engaged in total war, cannot afford to permit the luxury of the unchecked ravages of prostitution and sexual delinquency. All of our experience in the past had plainly indicated that venereal disease exacts a terrific toll and produces sideline soldiers and industrial workers who can do no work. The extent of the venereal disease problem in the United States further indicated the futility of sporadic efforts, and graphically highlighted a policy which would receive its impetus from the war effort, but would not die with the

termination of hostilities. The nation as a whole had to be made aware of the truth concerning venereal disease and those agencies which are active in spreading it, and had to become convinced that venereal disease could and would be obliterated, given the proper public support and participation. The problem then was seen to be one which affected not only the man already in the armed forces but all potential enlistees and inductees, and all of that great labor reserve which we as a nation have depended upon to man the industrial front. We were confronted with the necessity for an intensive and extensive campaign against venereal disease wherever found. We faced the certainty that without it all the gains of our control efforts in the past would be endangered, and future generations jeopardized by a tidal wave of venereal disease.

Venereal disease has little respect for longitude or latitude. It is not concerned with the color or other differentiating characteristics of a man's uniform. It has notoriously paid no attention to the economic status or place of residence of its victims. It has refused to stay dammed up behind the economic and social barriers of various segments of the population. Its spirochetes and gonococci know no ways of war but total war against the whole human race. They have moreover the assistance within our population of countless facilitators, who for financial or other considerations give them constant opportunities for entree to new territory.

The magnitude of the program which had to be undertaken to achieve any substantial results was soon obvious. It was not possible however, to immediately pick up a highly trained staff, to equip it with all the tools necessary for the undertaking, and to spread it out so that every community in the country would become aware of the effort that was being made. Mistakes which might have passed with little notice in normal times would here be magnified

to the point of tragic error. In many situations the representative of the Social Protection Section was in a position where his first failure would in all likelihood be his last. The dangers of excessive zeal and the destructive potency of ridicule had to be recognized early and scrupulously avoided. It was necessary moreover to clarify beyond doubt our thinking concerning the public stake in the entire program. We needed both to guard against the errors of the past and to be alert to the pitfalls of the future.

### *Beginnings*

Gradually the program was formulated and brought to fruition in community activity. Law enforcement was stimulated, and before many months had passed more than 300 communities throughout the United States had closed red light districts which previously had been tolerated. Clandestine prostitution was the next point of attack. We solicited the cooperation of hotel and taxicab operators, tavern proprietors and other individuals who could, through the control of the services they offered the public, do much on a local basis to assist in the program. Liquor control boards and other groups set up for the regulation of alcoholic beverages, including those within the industry itself, proved extremely helpful. The International Association of Chiefs of Police, the American Bar Association, the National Association of Sheriffs, and other bodies having widespread membership throughout the country, offered invaluable service and assisted concretely in the development of the program. We found from the beginning that officials and socially minded citizens who understood what was being attempted were quick to offer their services.

Thus the program is going forward but there are still tremendous obstacles to be overcome in those phases of it which relate to the protection of women and girls and to the rehabilitation of offenders. The problem has become

more acute because police departments all across the country are overburdened and local communities have been hard put to find the financial resources for the necessary expansion of law enforcement activities. In many cities military enlistments of trained police personnel, inroads made by selective service in related departments, and other factors have created acute situations. Trained policemen and persons suitable for proper training are difficult to find and are generally not attracted by the pay which police departments are able to offer. Particularly is this true in those communities where employment in war industry is to be had at relatively high wage scales. This alone is a problem which will increasingly become more serious throughout the country and to which some solution must be found if our communities are to have anywhere nearly adequate police protection. We foresee the possibility of enlisting the voluntary services of social workers to supplement the facilities of police departments for the protection of women and girls. We anticipate in the very near future that this experiment will be tried in one large city, and through experience gained there we may be able to evolve a pattern applicable to other cities in the country. In any event it must be recognized that police departments will be able to offer protective services of a specialized nature only to the extent permitted by the immediate demands of protection of property, traffic control, and the general maintenance of law and order.

#### *Court Congestion*

Just as police departments are feeling the impact of the war effort, so are the courts constantly facing the necessity of meeting new demands made upon them. They are moreover frequently forced to work with diminished facilities at a time when the cases to be handled are increasing both in number and in complexity of problems involved.

Throughout the country probation departments have been weakened through the loss of employees to other services. Replacements have been difficult both because of the scarcity of suitably trained workers, and in some jurisdictions because of official policies which have discouraged the filling of vacancies. In those areas where strong probation departments had not previously been developed we are finding it increasingly difficult to provide adequate social services to the courts. Cases by the hundreds are being disposed of without pre-sentence investigations and without the possibility of supervision if the individual is placed on probation or released under some form of suspended sentence. Advances in court procedure have to a large extent been brought to a standstill, and harried judges must do the best they can to clear their calendars and keep ahead of the avalanche of new cases. The fact of disposition is becoming more important than the soundness of the conclusions reached.

Despite these difficulties it frequently happens that the only chance an individual has of receiving assistance is through the medium of court interest. We have heard much of the value of "keeping cases out of court" but far too little of the fact that keeping them out may in actuality mean the evasion of social responsibility. Time and again cases have been encountered which exhibited all manner of mishandling until such time as court processes were resorted to and official resources tapped. It seems evident that we must exert every effort to keep continuously before our judges, particularly in the lower courts, a sense of the social importance of the functions they perform. It is imperative next that we do everything within our power to place at the disposal of the courts those facilities without which even the most socially sound decision cannot be executed.

*Our Jails*

During the past twenty years many studies have been made of county and local jails throughout the United States. Invariably it has been found that the jail system is antiquated as to both facilities and operation. Moreover in many instances there is superimposed upon difficulties of plant and management a variety of local complications. From time to time it has been urged that town and county jails be abolished and that regional detention facilities for prisoners be set up in the individual states. For the most part the facts brought to light have not seized upon the imagination of the public and have only served to add additional material to the store of information of the expert. Periodically the press has carried lurid stories of incidents which have occurred in jails in widely separated sections of the country. Beyond passing interest, some indignation and possible punishment of the individuals involved, little has come from these disclosures. It has not yet been possible to attack the many difficulties of our present jail system and to bring about a planned program wherein there would be provided adequate facilities for the sensible, safe, humane detention of prisoners awaiting trial or serving short sentences.

The war found us with no jail improvement program on the horizon and with increasing need for jail facilities. Army camps sprang up on every side in the less densely populated sections of America. Boomtowns arose overnight; workers migrated back and forth across the country swelling the population of communities whose facilities were already strained to the bursting point. Our necessity for law enforcement and for facilities for the detention of people arrested increased by leaps and bounds, but the expanding communities were almost universally without adequate jails. They are still, by and large, without the

finances to build structures capable of housing the boom-town jail populations. There was and is a dearth of persons trained in jail management.

The end result has been widespread use of crowded, unsanitary jail buildings often lacking any facilities for exercise or recreation and with no provision for the use of abundant leisure time. Jails in which there is no equipment for feeding prisoners so that meals of none too satisfactory quality have to be brought in from the outside. Jails in which the fare depends upon the ability of those managing them to buy up cheaply surplus products in the community. One instance is recorded in which for a period of one week the meals of the inmates consisted substantially of spaghetti, oatmeal, bread and coffee. In many jails facilities for detention of women prisoners are totally inadequate. Matrons are not provided in a great number and the prevailing sanitary conditions are deplorable. In one observed case of a jail designed to accommodate 50 women prisoners there were under restraint 132. The sleeping arrangements and the general condition of overcrowding under these circumstances can easily be visualized. Law enforcement at many points has bogged down simply because jails are overtaxed and there is no place to house additional offenders when picked up by the police. Moreover, in countless jails there is no provision for segregation of young offenders from the more experienced, for the separation of healthy persons from those infected with venereal and other diseases. In all too many jurisdictions children are still housed in jail with adults. A sample of this situation came to light in one community where 20 per cent of a group of girls and women incarcerated were under the age of sixteen. Indeed, reports from individual states, even those which have laws prohibiting the detention of children in jails, indicate that they are still being quartered with older and more hardened offenders.



To gain a true perspective of the picture we have only to look at the figures of the Federal Bureau of Prisons which show that 2289 jails throughout the country had been catalogued as unfit for the detention of federal prisoners. Throughout the entire United States only 520 jails have been approved for the detention of male federal prisoners and for women the number has been even less. Including those jails which have to be used *because of the absolute absence of other facilities*, the Federal Bureau of Prisons has certified that there are only 160 jails suitable for the detention of female prisoners. An additional group of 326 jails has been approved for restricted use which means that prisoners, male and female, may be held in them for no longer than 48 hours pending removal to more suitable institutions.

It is obviously impossible to revamp the jail program of the United States in the midst of worldwide conflict, but there does seem to be some possibility for immediate improvement and certainly the idea of an eventual long term program of jail reform should not be neglected. For the present it seems wise to concentrate on the improvement of jail structures where the cost is not prohibitive; to seek more effective use of the facilities at our disposal through pooling of resources and overall planning; to improvise substitutes for those jails which are a disgrace to the nation and which impede proper law enforcement because any official with the faintest sentiments of humanity is reluctant to incarcerate any woman in them.

In many instances the need for a detention facility could be obviated if it were possible to pay for the care of girls in acceptable private homes pending investigation or adjudication of their cases. While it is recognized that crowded housing conditions in many boom areas would present some obstacles to the development of such a program, certainly the problems involved in it would be no more serious than those we face at the present time.



The question of detention and of the utilization of available resources is further complicated by the fact that many women and girls are being held in jail on quarantine orders by local health officers, or on short commitments which permit some treatment of their venereal infections. Conditions in this phase of the program are improving somewhat since rapid treatment centers have been established in a number of states. It is anticipated that more than thirty of these centers will be in operation by the end of 1943, and the U. S. Public Health Service is of the opinion that during the war some 15,000 persons will be admitted to the centers and cured or rendered non-infectious. Under this program federal funds are made available for the establishment of the centers through the Lanham Act. Public health service physicians have been or are being trained in the special techniques to be used and will be assigned to the individual center on request of state health officers. No set period for the length of stay in these centers has been established, as controlling factors will be the nature of the disease, the type of treatment specified in the individual case and the physical condition of the person admitted. It is anticipated however, that the length of detention will be from eight to ten weeks.

#### *Social Service Needed*

To supplement the medical phases of this program, efforts are being made to gear into it the services of state and national agencies so that social services and some form of rehabilitative training may be made available. An immediate difficulty is found in the fact that it is not possible at the moment to pay for the services of social workers at the treatment centers from Lanham Act funds.

The possibilities of this experiment are further limited by the fact that admissions to the centers must be on a volun-

tary basis or on a quarantine order of local or state health officers. Further limitations arise from the fact that only infected persons are admitted with the result that we still have scant facilities for handling sex offenders who have not acquired a venereal disease. Observations in the field tend to indicate also that the great majority of women and girls involved in sex irregularities are apprehended by the police and through normal channels soon appear before the courts. It is at this point when the question of disposition is being determined that there is the least to offer to the judge or magistrate. With most state or local institutions already taxed to capacity it is extremely difficult for the judge to know the best solution of the individual case if institutional care seems to be indicated.

The total result of all of this has been the continuation of the practice of fining offenders, ordering them out of town, committing them to jails for short periods, and in some instances arranging for their return to their own homes through the Travelers Aid or other agencies. Unfortunately where the services of social agencies have not been available individuals have in all too many instances been transported from one section of the country to another without adequate investigation of their stories or any determination as to the situation which will confront them at the point of destination. As the cost of bus tickets is frequently less than that of maintenance in jail for a period of days, many girls have been given bus tickets by local authorities and sent out of town. Instances have been observed in which the same girls returned within a few days to the city from which they had been "deported." All of these facts seem to indicate the necessity for the establishment of suitable detention facilities and the advisability of some form of federal assistance to existing correctional institutions and training schools so that they may be expanded to meet present needs. Assist-

ance of this type would do much to raise the standards of individual institutions and would leave to the states components of a program which could be carried on effectively after the war. We should by now have learned the futility of expending sums of money for facilities which do not at the moment meet the realistic situation of harassed communities and which will have largely outlived what usefulness they have as soon as the war is over.

### *Adaptation*

With the federal government as yet unconvinced as to the wisdom of expending money for essential social services in war impacted communities, we must reevaluate our assets and attempt to meet current problems with every device at our disposal until such time as a broader program can be effectuated. Our policies will be necessarily conditioned by the impossibility of obtaining trained workers in any large number and by the fact that many communities where social problems have assumed critical proportions have had no prior experience with adequate social services. Our job then is not only recruitment of workers and the payment of their salaries, but also the education of the community in the art of their effective use. Should we through a variety of circumstances be defeated in these efforts, there may still be for us a way out if we are willing and able to study the lessons which industry has already learned. Just as in industry, it may be necessary for us to break down the techniques employed in the execution of the social worker's job, and to distribute it in simpler forms so that less talented and less well-trained individuals may be able to perform these essential duties. Certainly we shall do nothing but waste time if we seek to impose a highly specialized social work job on communities devoid of trained social workers. The responsibility is thus upon us to gear

our operations in social reconstruction to the potential of the community, to get the job done, possibly not in ways to which we have been accustomed, but done nevertheless with the facilities at our disposal. In many sections of the country additional assistance could be had almost overnight if social agencies would reconsider their policies of intake and would expand the horizon of their activities. We need to do today the job that has to be done, and having done it, it may be possible for us at a later date to return to our accepted and familiar processes. Here and now the only thing of importance is that we abandon the ivory tower and expend our energies in those directions in which they are most crucially needed. Social work in the United States particularly as it affects the problem of women and girls in boomtown communities has not yet begun to approximate an all out effort.

In our zeal to prosecute the war it is natural that we should reap many distressing social derivatives of the war effort. These home front casualties are not of major importance when weighed against the total implications of the war. They are however of vital importance once we assume that we are winning, or shall win the conflict abroad. It would not greatly benefit the nation if we were successful in the field and brought our returning troops to a social situation in which many of our most cherished values had been destroyed. We see throughout the country today innumerable individuals whose lives have been warped in one way or another, and who may continue to be an acute problem throughout the anticipated years of peace unless we immediately set about repairing the damage that has already been done.

We are all familiar with the problems of living which currently face the "swing shift" worker in industry. The ordinary routines of life are disturbed and the individual finds himself in a community within which all of the normal services to which he has been accustomed are at

a point of dislocation in reference to his needs. We have probably given less thought to the fact that the war effort has brought into being a large group of girls and women who may be regarded as the swing shift in our entire pattern of life. They are the individuals who are expending their talents in the wrong direction and have been largely without guidance and sympathetic consideration. They are moreover those individuals who have substantial potency to spread venereal disease through the country, to increase our problems of illegitimacy, and to create for years to come serious situations of delinquency, dependency, and neglect. For these individuals we need, not in the future but *now*, a planned program which would give them a feeling of realistic participation in the active prosecution of the war. We need for them social services which will tend to convince them of their own worth and of the dignity of individual effort in a democracy. We need further facilities for rehabilitation which can be utilized to train them for enlarged social and industrial opportunities. Unless we are able to undertake such a program and develop it courageously we shall look back upon the experience of this war as one which despite its other triumphs was responsible for the personal defeat of thousands of women and girls. At the point where we began to debate the draft of seventeen and eighteen year old boys for service in the armed forces, we had already in effect drafted for purposes of delinquency and immorality girls in a much lower age group.

This challenge is one which the social protection program of the federal government is attempting to meet. To achieve our objective requires the active interest and participation on a nationwide basis of all citizens interested in permanent victory on the home front.



## Young Camp Followers

WHITCOMB H. ALLEN

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FROM the state of Louisiana with its bayous, its moss-hung trees and the Atchafalaya river so beautifully described by Longfellow in the travels of Evangeline in her search for Gabriel, across the level plains of Texas, stretching from the Gulf of Mexico to the towering Rocky Mountains at El Paso and up into the multicolored mountain peaks of New Mexico, the population is stirring, it is on the qui vive. It has felt deeply the stimulation of our country at war—adventure, daring and romance are in the air. Day to day living has been accelerated and many of our actions are based on emotion rather than reason. Fear as to the future has been thrown to the winds. Boom towns and cities are the order rather than the exception.

Population is characterized by the freshness of youth facing a challenge which calls for risks and sacrifices, all eager to go to their country's aid in time of need. Slight consideration is given to custom or tradition. Individuals have lost their identity and with it the restraint of home town gossip of neighbors and newspapers.

A new frontier is open, and hardy Americans come trekking to the southwest by auto, train or hiking, from farm, ranch, town and city, some to become members of the armed forces, others to work in war industrial plants. On the whole they are a husky, robust, unfearing cross-section of our population. Soldiers, sailors, marines and

<sup>1</sup>Now called Social Protection Division, Community War Services

members of the flying forces are the cream of American youth who have left behind their professions, trades, schools, colleges, their homes, wives and sweethearts, all that is most dear to them for which they are fighting.

Another hardy group is the construction gang made up of engineers, plumbers, mechanics, carpenters and laborers who come with and without their families to build necessary water and sewage facilities, barracks and airfields, and who are forced to live under most primitive conditions, crowding in on the edge of a town or city or perhaps establishing a camp in the wide open spaces. They live and sleep in tents, trailers, under makeshift shelters such as are provided by throwing blankets over a rope strung between trees, and in many instances I have seen resourceful men sleeping in excavations that they have burrowed into riverbanks. Community facilities are usually nil except where some enterprising individual has set up community cookstoves, drilled wells, provided washbasins set on crossed sticks in the open, and built privies of the pre Chic Sales era which are available to the members of the community on a rental basis. Perhaps the camp is located near a river, creek or lake which may serve the dual purpose of the family bathtub and laundry.

While the southwest is kind with its preponderance of sunshine and mild climate, it has its disadvantages with tropical rains, damp cold nights and mosquitoes. Sometimes the community cookstoves erected in unsubstantial shacks fail to function on rainy days and the blankets thrown over the ropes for shelter furnish protection from the sun but not the rain. In spite of all this however, these people who represent as courageous and hardy a group of pioneers as America has ever known, survive and build shelter and comforts for others and then move on to another project. Like the shoemaker and his children they never have housing for themselves.

Following this group are the industrial workers and their families who carry on in aircraft, ammunition and ordnance plants by the thousands and tens of thousands, young and old, and who fill every available type of living space in tents, trailers, rooming houses, homes and hotels. Another group either accompanies or follows these who render personal services of one kind or another—the honky-tonk operators, waitresses, cabaret girls, the “B” girls, the girls with sweet-hearts or husbands in the army, and others without any particular training or experience seeking relief from a dull, drab life on the farm, ranch or small village. As in every war there are the sexually promiscuous and the hardened prostitutes.

Towns with a prewar population from 1500 to 2000 have spiraled overnight to 5000, 10,000, or 15,000 plus a soldier population varying from 20,000 to 100,000 in nearby camps. Corpus Christi in Texas for instance, with a prewar population of 30,000, now has in excess of 80,000. San Antonio with a prewar population of 250,000, now has a population according to ration books just issued, of 628,000. These are not extreme instances but are typical of what has happened generally throughout the states of Louisiana, Texas and New Mexico.

#### *Uncle Sam Moves In*

It was under these conditions that the Social Protection Section of the Federal Security Agency, the U. S. Public Health Service, the Army and Navy, assisted by the American Social Hygiene Association, were given the job of reducing venereal diseases among the armed forces and incidentally the civilian population. As you already know, the greatest source of venereal disease as reflected in our armed forces in previous wars has been the commercialized prostitute. During the last war for instance, over seven million days were lost to our armed forces because of venereal disease. Therefore it became the first duty of these



agencies to secure the cooperation of mayors and other administrative officials in a repression program to eliminate houses of prostitution.

The southwest is free and independent and does not seek advice generally from outside its borders, but these people are patriotic and come from a fighting breed. One police commissioner said to me that he didn't give a damn for blue-nosed reformers and their opinion, but if government records proved that houses of prostitution were disabling men in the army, navy or air force, he would go to any length to prevent it because he knew that sick men can't shoot and this is a fighting war. I am glad to be able to report that substantially all known houses of prostitution and commercialized prostitution in its varying forms have been eliminated in the states of Texas, Louisiana, and New Mexico—in fact this is true by and large throughout the United States.

The Social Protection Section however is not satisfied to repress prostitution alone; it is interested to an even greater degree in the prevention and redirection of those who are or may become involved in such activities.

To illustrate some of the problems that cities are confronted with in handling this particular phase of their social welfare program, I will review the program in San Antonio. Here is a city with a prewar population of 250,000 grown overnight to over 600,000. While it has always thrived, one gets the impression that it is a leisurely city which had its beginning as an old Spanish town. Here stands the Alamo known to every American schoolboy as a symbol of courage in the phrase "Remember the Alamo." Its population is approximately 50 per cent American, 40 per cent Latin American and 10 per cent colored American. While it is to all appearances a Spanish town it is known in the southwest as a cow town and is run by cattlemen. In its gaiety and hospitality it serves the wealthy ranchers, oilmen and a

considerable number of retired persons from the north as well as the lonely cowboys from the surrounding ranch country. An illustrated map hanging in a public museum designates Matamoras street by pictures of enticing señoritas and the balloon caption "Buenos noches, señor."

West of the San Antonio river which winds gracefully through the heart of the business district between banks edged with palm trees, banana plants and other semitropical vegetation, is "Spictown." This area was the famous district tenanted by some 600 girls who called their wares from the open windows and doors of the cribs they occupied. In addition to these girls approximately 1600 prostitutes operated in other sections of the city from two-story hotels and rooming houses. Added attraction was given to the district by honky-tonks, poolrooms and dancehalls with their juke boxes and singing señoritas. Up and down the streets Mexican musicians clothed in old Spanish attire strummed their guitars, mandolins and banjos to entertain soldiers waiting in line to get into the houses. Spictown was a magnet toward which many a soldier was drawn, and not for music and atmosphere alone. The venereal disease rate among the armed forces in and about this city rose to three times that of the army as a whole.

### *Converting the Police*

In November 1941 Police Commissioner Anderson became convinced that the facts presented by the various governmental agencies were correct and pointed to no other action than closing the district and the whole town to prostitution activities. At noon on one day while I was in his office he picked up his telephone and said to the head of his vice squad, "I want every house in town closed by six o'clock." Orders are orders in P. L. Anderson's police force; that night the town was closed and the jail was full.

I had suggested that the commissioner delay the closing

ten days and notify all girls to cease their practices or be subject to arrest, so that the services of social agencies could be placed at the disposal of these 2000 girls and women who had been rudely thrown out of employment without the alternative of legitimate work. The response of the commissioner was that if social agencies had been on the job when these girls made their first misstep they would not be in their present predicament. In the meantime the Social Protection Section had been working with the various community welfare agencies and the community chest, only to learn that the city had no facilities with which to deal with the problem, that home relief had never been given in San Antonio, and that there was no active family case working agency to assume any responsibility. We were able to secure the active cooperation of the Travelers Aid unit of the USO for interviewing and possible aid, but its staff is small and cannot be expected to handle this problem in any degree of completeness. This discovery served to highlight the fact that no phase of the social protection section program demands more serious and intelligent attention than the social services that should—that *must*—be made available to the girls who have been swept into any of the varied forms of prostitution. It is unfortunate but nevertheless an accurate statement of facts that prostitutes—and I include all the shades of definition in that term—have been victimized not only by their exploiters and customers but also by the community, by the very agencies it would seem they might legitimately turn to for help. We have been cruel, we have been indifferent, we have been callous, we have been defeatists about them. We have echoed the phrase of their exploiters, "once a prostitute always a prostitute."

Now what does this all add up to? Simply this: we know very little of a scientific or objective nature about the prostitute. Who is she? Where does she come from? What about her stability of residence? Through what channels

did she get into prostitution? How far did she go in school? What kind of school adjustment did she make? What do we know about her intellectual, social, or emotional equipment? What kind of home did she come from? What does she herself think of the whole situation? What does she want to do with her assets and liabilities? In what ways does the wartime prostitute or promiscuous girl differ from the peacetime one?

### *Prostitution Does Not Stand Alone*

With a view toward getting the answers to some of these questions we prepared a study schedule which has been adopted for interviewing purposes in several of the key cities and towns throughout our region, notably in New Orleans and Leesville, Louisiana; San Antonio, Corpus Christi, Abilene, El Paso, and Amarillo, Texas. From partial returns it appears that:

1) The major problem is not that of the professional prostitute, rather it is the problem of the small town girl attempting an escape for adventure, for employment, for social contacts, for a more interesting and stimulating environment and for the myriad of other human reasons that have weaned all of us at one time or other during our careers away from the paternal homestead.

2) Family insecurity and all of its byproducts are important causal factors in our wartime prostitution. Consequently prostitution is but one small segment in the patch-quilt of social problems that have been created by the tremendous migration into this region.

Possibly certain dangers attach to singling out the prostitute at a time like the present when so many of the other social problems accentuated by the war emergency clamor for attention. Be that as it may, certainly there is merit to the proposal that the prostitution problem be used as a springboard to attack some of the other problems which

constantly come to the surface as girls drift into prostitution—the absence of a direct relief program, for example, lack of enforcement of the compulsory school attendance laws, the lack of social agencies to deal with the problem of its developmental stage. As Kathryn Close said in a recent article<sup>1</sup> in the *Survey*: “This failure to remember that an ounce of prevention is worth a pound of cure. . . . Most of these girls are probably more weak than bad. Interviews have revealed that the majority come from broken or undesirable homes and have little education or training on which to rely. Many of them need only some strong hand to guide them in the right direction. Without it their probable destination is promiscuity and disease if not an actual life of prostitution. . . . What is needed is some coordinated planning on the part of civic groups, social and recreational agencies, churches, and the city authorities to devise a cooperative program not only for the rehabilitation of girls who are already in trouble but also for diverting the war caused excitement and enthusiasm of the ‘not yet’s’ from destructive to constructive channels.” And as she further says concerning San Antonio, “Fortunately for the world, failure to reach perfection does not always preclude accomplishment. Statistics in this instance tell a vivid story. On that day in November 1941 when Commissioner Anderson telephoned his vice squad, the rate in the San Antonio area of army hospital admissions for venereal disease contracted in San Antonio stood near 89 per thousand per year. A year later the rate was 13.8.” And for your information I might add that the rate for the month of March past was 10.8 per thousand per year, an all-time low, as stated by General Donovan in a recent letter to the city officials.

As to who are the promiscuous girls, a social worker attached to the Leesville quarantine hospital for venereally infected girls states: “They are white and colored girls, for

<sup>1</sup>“Sick Men Can’t Fight” *Survey Graphic* March 1943

the most part under twenty-five, about one-third under twenty-one according to a statistical study made in October 1942. One-third claim residence elsewhere than Louisiana. Most of the white girls are foodhandlers, waitresses and barmaids, while our colored girls, as might be expected, are largely domestics. The professional prostitute is rare among those I have known. It is true for most of the girls drawn into western Louisiana that the magnet is masculine in gender and is usually one man, most frequently a soldier who is in the role of a husband or sweetheart. Some come from homes where the relief budget or Dad's wages at the mill allowed few frills and little social status; some are married to men twenty or thirty years their seniors, and the broad young khaki-covered shoulders stir them into indiscretions. Life in an army cantonment area for any girl or woman is likely to be complicated by many pressures not the least of which is that crystalized in the current popular song 'You Can't Say No to a Soldier'."

### *Community Action*

What is being done to meet the problem as we see it? Because most of the girls involved in these promiscuous sex activities are confined by necessity in overcrowded jails where they are treated for their disease and where an attempt is being made by social workers to solve their difficulties, the U. S. Public Health Service, the Social Protection Section, and the Federal Works Agency through the state health officers in Louisiana, Texas and New Mexico are providing isolation hospitals paid for out of Lanham Act funds, which we are hopeful will be adequate to house and treat these girls. We have also included provision for the payment of educational and placement officers' salaries, and the state health departments have agreed to pay the salaries of social workers who will confine their activities to securing sufficient information upon which to refer the girl to the

particular agency in the community best fitted to handle her individual problems.

We have carried on community organization work through councils of social agencies, the juvenile and adult court judges, the local Office of Civilian Defense. We have helped to stimulate and educate civilian civic leaders to the needs of their respective communities. They have not turned deaf ears to us. Some communities have sponsored and paid for girls' clubs in which any teen age youngster can find lodging, board and assistance either to get home or to secure legitimate employment. Several other communities have organized their administrative officials into a sort of girls' protective planning committee, meeting regularly each week to discuss progress and future needs. Already they have taken action looking toward results. However all this is but a drop in the bucket in the attempt to deal with the problems that the tremendous war migration has brought to the area, and I am afraid that many an Evangeline when she misses her Gabriel is still in great danger.

You will agree with me, I hope, that the courts and their probation officers should wherever possible lead in community organization to increase social work services, stimulate the local citizens and educate them to what their problems are. The approach should be with a good will and a spirit of helpfulness toward these unfortunate girls who have followed their soldiers to the war and their sailors to the sea.



## Community Cooperation in Social Treatment of the Prostitute and Promiscuous Girl

RAYMOND F. CLAPP

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IN any attempt to plan social treatment for the prostitute and the promiscuous girl, the probation field will have an important contribution to make. Evidence that this contribution has been recognized by the Social Protection Division is found in the fact that many of its staff come from the probation field; that the National Probation Association has been consulted in the formulation of the Division's planning; and that the Social Protection Division has been granted opportunities here and at other state, national and local probation meetings to discuss this program.

Probation and parole officers are concerned with every aspect of this youth problem but their particular function is in the social treatment of the individual girl. At least one woman case worker, sympathetic and well trained, is needed in every probation department in communities adjacent to military or war industry areas. Many of these girls are under sixteen or eighteen and so within the age limits of the juvenile court. Others are in the young adult group.

Parole officers, using the same techniques, pick up the case after a period of institutional treatment. Only a small proportion of these girls are placed in state institutions, however, and those who are disposed of by jail sentence do not have the individual attention on release which they so urgently need.

Organized as a war measure, the Social Protection Divi-



sion of the office of Community War Services was set up primarily for the repression of prostitution to reduce the spread of venereal disease among members of the armed forces and workers in war industry. This division of the office of Community War Services is concerned however, with any social measures which tend to prevent the spread of venereal diseases.

As one preventive measure the Social Protection Division is engaged in the stimulation of provisions for the protection of girls and women from involvement in prostitution and for the redirection of those who have become so involved.

Those phases of the social protection program discussed in this statement include the preventive and corrective aspects of police activities in repression and in crime prevention; of medical treatment; of vocational guidance and placement; and of social treatment of the individual. I will also discuss the planning of a community social protection program of prevention.

It is fully recognized that a complete program of prevention includes measures not covered here such as education of parents and of youth on the dangers of disease and the importance of health; vocational training and guidance for young people; the reduction of unemployment and the raising of substandard wages; the provision of decent housing and of adequate, suitable and wholesome recreation; the development of high ideals of conduct and the building of character that will maintain those ideals. A complete program involves the school, the family, the church, industry, commerce and government.

#### *Repression as a Factor in Prevention*

Effective repression of organized prostitution provides a sound basis for the prevention of prostitution. The federal social protection program undertakes to promote such repression by stimulating state and local law enforcement

officials to enforce existing laws, ordinances and regulations relating to prostitution and promiscuous sex activities. Enforcement includes: the closing of segregated districts and houses of prostitution; the arrest of prostitutes who solicit on the streets or in public places; the liquidation of the "big time" organizations of vice; and the penalizing of such "facilitators" of prostitution as taxi drivers and bell-boys who act as procurers; hotel, rooming house and tourist cabin operators who rent rooms for prostitution; and tavern keepers who allow prostitutes to approach potential customers in their places of business. Enforcement also includes the continuing inspection of places in which prostitutes or facilitators may be likely to operate.

Enforcement breaks up the vice rings and drives out the pimps, procurers, madams and other operators whose recruiting activities have drawn many girls into prostitution and whose pressures make it difficult for girls to free themselves once they have become enmeshed in commercialized prostitution. Enforcement also reduces the earnings of the prostitute.

Reports indicate that when these results are accomplished at a time when wages are relatively high and jobs numerous, many prostitutes seek legitimate employment on their own initiative.

In addition to the repression of prostitution, the police and other law enforcement agencies may assist in the prevention of prostitution and of promiscuous sex relations. Preventive activities will include the control of conditions through the patrol or regulation of streets, parks, taverns, dancehalls and other amusement places and danger spots; calling attention of responsible authorities and of influential citizen groups to conditions such as crowded housing which breed delinquency and crime; and participating in efforts to correct those conditions. Preventive activities also include dealing with early offenders in such a way that boys and

girls in danger of becoming delinquent may be brought to the attention of community agencies able to help them before serious delinquency has occurred. In dealing with delinquent girls the enforcement agencies will find the public schools a valuable source of information and assistance, as school authorities are assuming an increasing degree of responsibility for the special treatment of children who show evidence of delinquency.

#### *Medical Care Essential to Redirection*

Prompt and adequate medical examination for all persons believed to have been involved in prostitution or promiscuity is of great importance to the public health and equally important in any effort to redirect girls from prostitution. Adequate venereal disease control measures require the close cooperation of police, courts, and medical authorities. It is essential that persons picked up on morals or related charges be held in suitable places and long enough to determine whether or not they are infected with venereal disease. The medical authorities should provide personnel and facilities not only for adequate diagnosis but for subsequent treatment.

Whenever a person is found to have an acute infection treatment should be assured. When the patient cannot be relied upon to continue treatment at a clinic or a doctor's office, she should be detained in a hospital for treatment either a) by voluntary acceptance of this arrangement; b) under the authority of the health department's isolation and communicable disease regulation; or c) under a suspended sentence from the court. Those persons referred through court processes should upon release be referred back to the jurisdiction of the court for appropriate action on the basis of the initial charges.

The clinic and isolation facilities should be available at all times for all persons including those who apply volun-

tarily and who are otherwise eligible for public treatment facilities.

The health authority has the further obligation of keeping law enforcement officials informed of the areas and establishments reported by infected persons as places of rendezvous or places of prostitution. The responsibility for investigation and action upon their findings rests with the police department.

Since women subject to venereal disease are exposed to other types of infection and liable to other types of physical disability, their medical examination should provide for the discovery and treatment of any physical defect.

#### *Suitable Employment as a Method of Redirection*

Successful rehabilitation of a prostitute will often depend upon her placement in a useful job which she is able to perform and which is satisfactory to her. The following considerations are important in planning for such placement: evaluation of fitness for employment; improvement of preparation for employment; help in securing employment; assistance to make good on the job.

Evaluation of the woman's fitness for employment will include study of such factors as physical and mental capacity, emotional stability, education, job training and experience, vocational aptitudes and vocational preferences. Depending on the need of the individual and the facilities available, improvement of the woman's preparation for a job may include building up health, strength, emotional stability, developing basic work habits and skills, and training for a specific job.

Employment at suitable jobs in a satisfactory setting is important to prevent conditions that may contribute to sex delinquency and prostitution, and also to help in the effective rehabilitation of many prostitutes. To provide the security and satisfaction that employment should give, a

job must provide a livelihood and reasonable working conditions. Wages should not be less than those prevailing for similar work in the community nor in violation of legal requirements regarding minimum wages and payment of wages. Hours and working conditions should be kept within legal limits for the protection of health and welfare and should meet standards of good practice. Measures for child labor protection should be carefully observed and attention given to keeping young girls from employment in places serving intoxicating liquors and from street trading activities, as provided for by established legal standards.

All measures promoting or facilitating full employment of individuals at suitable wages under satisfactory conditions contribute to the advancement of social protection. However, for girls who are known prostitutes special measures may be needed to see that they are not handicapped by their records in obtaining employment for which they are qualified. Thus when an employer has a blanket rule against employment of women with police or prostitution records, an attempt should be made to persuade him to base his decision upon the applicant's ability to do the work rather than upon her past record. Placement officers should be approached to work out a plan for the selection and referral of such women to establishments which will make the best use of this manpower resource.

Satisfactory placement will often involve assistance to make good on the job. Such help may include a place to live, suitable clothing and other subsistence provision until the girl can provide for herself. It may include transportation to the job, help in caring for children or other persons dependent upon the woman, or counsel on personal problems likely to interfere with success in her employment.

A preventive program requires that immature boys and girls not be exposed to the influence of employment in places likely to be characterized by demoralizing surround-

ings. Minimum age standards are applicable to such employment in most states, frequently with a higher minimum age for employment at night, especially for girls. Standards for the protection of young people in employment should be rigidly observed and enforced.

Legal measures which regulate employment can help to protect girls from prostitution. Such measures include state legislation regulating minimum ages, wages, and other working conditions, both general and in occupations involving moral hazards such as dancehall hostess and tavern waitress, in which very often part of the wage is paid on a commission basis. These legal controls may be a part of labor legislation and administered by labor departments, or may be under state liquor control regulations. In addition there are some legal resources in the child protection laws on the books of many states, in local ordinances, and in regulations of other agencies.

### *Social Treatment*

Under present war conditions many teen age girls have become involved in prostitution or in unpaid promiscuous sex relationships. Increasing numbers of such girls are coming to the attention of law enforcement officials and of medical agencies treating the venereal diseases.

The social treatment program proposed by the Social Protection Division is based upon the belief that girls and women involved in prostitution are individuals whose needs, resources and capacities are many and varied. Social treatment must be a case undertaking, including a variety of services and facilities as broad as the whole field of social work.

The first step in social treatment is the selection of those girls and women who need social treatment and can benefit from it. This selection should be made from the stream of girls coming to the attention of law enforcement and

medical agencies as soon after the first official contact with the girl as possible. It should be made by a person equipped by education, training and temperament for this sifting process, and will require an understanding of the girl's social, physical, economic and personality needs; an evaluation of her resources and capacities; and a review of the resources available in the community for her aid. As a second step the girl who needs help and is willing to accept it must be assisted to make a practical plan which is based upon her individual capacities and resources. In carrying out such plans case workers will find it necessary to provide a variety of services from other agencies and individuals including:

- 1) Medical treatment
- 2) Employment
- 3) Material aid including transportation, clothes, lodging, and cash to provide for the girl's needs while a long-time plan is being worked out, or as a part of such plan.
- 4) Intensive psychological or psychiatric study of the girl's mental capacity and personality.
- 5) Extensive study of the girl's social and economic situation as a guide to the causes of her present problems and as a key to the development of a workable plan. This will include study of her home conditions, education, training, experience, present associates and living arrangements.
- 6) Institutional commitment for those who need custodial care for medical treatment or protection not otherwise available.
- 7) Guidance and supervision for those who need the security of a friendly adviser to help them meet their continuing problems or who require the type of supervision which can be exercised by a parole or probation officer.

### *Community Action*

The plan of action in any community will depend upon the needs of the community and its resources of agencies, facilities, personnel, and finances. The plan for any woman



will depend upon her own needs and resources in relation to the services available in her community.

A key position in any such plan will be that of a competent person who, as an integral part of the law enforcement machinery, interviews girls and women picked up for prostitution and related activities, selects those who need help and will accept it, and brings them to the attention of the organizations best equipped to give that help. In like manner medical agencies treating venereal diseases should identify patients needing help from other sources and refer them to such agencies. The plan requires a mutual understanding and acceptance of their respective jobs by the several agencies cooperating. It is essential to the success of such a plan that agencies able to help these girls respond when called upon.

Leadership in the establishment of this plan in any community may well come from one or more of several sources including: 1) the police department, the agency which often first discovers the girls involved; 2) the court, which hears their cases; 3) the department of public welfare to which is entrusted the basic responsibility for helping those in need; 4) the health department which undertakes to prevent the spread of infectious diseases; 5) the local defense council which plans for the community war needs; 6) the council of social agencies which plans for the peacetime welfare of the community; 7) some other agency or individual with sufficient interest in and enthusiasm for the problem to assume the responsibility.

The field representative of the Social Protection Division may stimulate the local action wherever such stimulation is needed. The success of any plan however will depend upon the leadership, participation and support of local officials and local agencies.

This entire program needs the active support of public opinion based upon an understanding of the facts and a



realization of the importance of corrective measures. An essential part of any local plan will be the assignment and acceptance of responsibility for gathering the facts which determine the need, and for informing the public of those facts and of what is proposed as a remedy.

Citizen leadership, as represented by civic groups and local branches of men's and women's national organizations, can be of valuable assistance in furthering public education and in influencing community opinion in favor of the social protection program.

## IV THE WAR AND JUVENILE DELINQUENCY



### The Wartime Delinquent in England

BASIL L. Q. HENRIQUES

*Chairman, East London Juvenile Court, England*

THE juvenile courts throughout England and Wales are all administered by voluntary lay justices. There are no stipendiary magistrates dealing with juvenile delinquency throughout England and Wales. In London the Secretary of State appoints a panel of specially selected justices of the peace to sit in the courts; outside of London the justices elect their own panel. The Secretary of State appoints the chairmen of the London courts, elsewhere the juvenile court panels elect their own chairmen. The court must never be held at the same time, and if possible not in the same place as the adult court. It is generally held in municipal buildings or settlements.

The bench consists of three magistrates, one of whom must be a woman. The chairman continues to sit throughout the year, but his colleagues sit for only three months at a time. There is a clerk of the court to guide the bench on all questions of law. The press has the right to be present but under no circumstances may it publish the name of a defendant or describe him in such a way that he might be identified. No photographs may be taken either in court or of delinquents who appear before the court. We look upon it as important that the press should be present not only in order that it may safeguard the rights of the defendants but also so that it may use its influence to deter offenders by publishing the remarks of the bench and in

serious cases the treatment given. For example, when car stealing was prevalent exemplary punishments such as three years training in a school were given even on the first offense so that others who wanted to indulge in this pastime knew what the consequences would be. A similar treatment was given for bag snatching in the blackout, with the result that it was speedily stopped. One of the greatest deterrents in juvenile delinquency is that the offenders should know the consequences if they break the law. Otherwise the court is private and visitors are only permitted by consent of the chairman.

Two types of cases appear before the court, children who are charged with an offense, and those who may be in need of care or protection or who are beyond the control of their parents. In the latter the ages range from birth to seventeen; in the former the age of responsibility is eight. After seventeen the defendant is adjudicated in the adult court.

The children's court is a court of primary jurisdiction, and however modified the procedure may be on account of the age of the defendants, it must be carried out in strict accordance with the traditions of British justice. The case must be proved beyond all doubt by the evidence of the witnesses which must be strictly in accordance with the laws of evidence. Those who have committed an offense are made to feel that they stand in a court of law no matter how informal that court may be, and that the law cannot be broken with impunity. They should feel a sense of awe and reverence for the bench and even though the magistrates are sympathetic with the defendants, they nevertheless combine this sympathy with sternness according to the seriousness of the offense. If the evidence is faulty, or if there is the slightest doubt of the guilt of the defendant, the case must be dismissed. The defendant then leaves the court without any stain on his character whatever and it

is never mentioned that he was even accused of the offense, should he come before the court again. There is no real stain on a child or young person who is proved to have committed an offense, for no publicity is given to that fact. They do not lose their rights of citizenship, but having been punished for their offense, they are given the opportunity to make good and an enormous number of them do.

### *Investigation Delayed*

Until proved guilty the defendant is held to be an innocent person and pre-trial inquiries are greatly discouraged. If the police arrest a child or young person or if the police or the National Society for the Prevention of Cruelty to Children consider a child to be in need of care or protection, the case must be proved in the court and neither the police nor the probation officers deal with the case voluntarily without bringing it before the magistrates. It would be considered an infringement on the rights of a citizen to make inquiries into the background of a defendant before the case has been proved. In cases of neglect where the child is considered to be in moral danger or likely to be beyond the control of its parent, although voluntary agencies outside of the court may have been dealing with the case before it is brought in, the court officials do not make inquiries until after it has been brought and the case has been proved. But once the case is proved the court will require full investigations to be made by the probation officer as to the background and history of the child. It will ask for the school report, and when it is considered necessary it will remand in custody so as to obtain a psychiatrist's report and his suggestions, and the probation officer will discuss with the bench the means of disposal. It is part of the 1933 Children's Act that first consideration shall be the welfare of the child, but the bench also has to consider deterrence from crime, and too, further justice for

the person against whom an offense has been committed. About 40 per cent of those accused plead not guilty and the utmost care has to be taken to let the child feel that there is no bias on the part of the court as to his previous history. If the child is over fourteen he has the right to be tried by a judge and jury in another court, and if the magistrate knows a good deal about him through contact with him outside of the court he may tell the child that he does know his past history and ask him if he would rather another bench dealt with the case.

### *Disposition*

As to disposal, the case may be dismissed under the Probation of Offenders Act with or without payment of costs. Fines may be imposed and the parents ordered to pay them if the child is under fourteen or still at school, and the same is true of compensation or costs. If the defendant is working he may be placed under the supervision of the probation officer during any money payments.

The most common form of treatment, for first offenders at any rate, is to place the defendant under the supervision of a probation officer for a period not exceeding three years. Special conditions as to residence or associates may be inserted in the order; these must be of such a kind that they may reasonably be carried out. For example, it would be absurd to put in a condition that a child shall not attend a cinema or that a boy of sixteen should give up smoking, or a girl of the same age should not go to dancehalls, or boys and girls of sixteen or seventeen should keep a curfew. If there is a condition of residence in a particular foster home or hostel the home office will make a contribution toward maintenance should the child's earnings be insufficient to cover this. The justices review periodically all probation cases in conference with the probation officers. The probation officer can bring the child before the court

whenever he considers that a breach of the order has been made. It is very important that a defendant should not look upon probation as being let off, and quite a common procedure is to say, "I am not going to let you off for this offense, as it is too serious," and then pause whilst making an entry in the register and then add: "I am not going to punish you this time but to give you a chance to prove to me through your probation officer that you can be trusted in the future."

The child may be committed to a fit person until he attains the age of sixteen. This may be the local educational authority who will board him out with foster parents, or a relative or friend who is willing to accept full responsibility.

The court has the power to birch [whip] a boy between eight and fourteen, but this is only ordered by the least enlightened courts and is practically never a satisfactory form of treatment. When a father or head teacher canes a boy it is probably true that it hurts him more than it does the child for it is given with love and with the desire to help the child, but it is a very different matter when a court official does it who has no interest whatever in the child and when the birching takes place at least ten days after the offense (for a medical certificate has to be obtained before it can be given). Birching may have the effect of making the child feel a hero and more than one boy has been known to charge a dime a time to take his trousers down and show the marks of the birching to his admiring friends. On the other hand, it is probably good to have the power to birch even though it is not used, as it undoubtedly serves as a deterrent.

### *School Care*

With regard to institutional treatment, a child may be ordered detained in the remand home as a punishment for a

period not exceeding four weeks. When treatment in the open fails or is not likely to succeed, the child will be committed to an approved school for a period of three years plus one year of license. If he is under fourteen at the time of committal he may be detained until the age of fifteen, or for three years, whichever may be the longer. A boy of sixteen may, on account of bad previous history, be sent to a higher court to be committed to Borstal.<sup>1</sup> This involves going to a boys' prison and we are extremely anxious that young persons should not know the inside of a prison.

The approved schools are divided into three age groups—the junior for children between eight and thirteen, the intermediate for those between thirteen and fifteen, and the senior for fifteen plus. The schools are many and varied. They seldom exceed 150 in size; they may be as small as 20. The Home Office now selects the school that fits the temperament of the child. Some schools are for short term detention of six to nine months, although the committal order is still for three years. If a child fails to respond to training in a short term school he will be transferred to an ordinary one.

No approved school is owned or managed by the Home Office; they are either set up by the local authority or by voluntary private bodies, but they are inspected by the Home Office and must keep up a high standard. The cost of maintenance is met half by the Home Office and half by the local authority. The parents can be made to contribute towards the child's maintenance.

The onus of aftercare is on the school; each school is managed by a voluntary committee of men and women and they, at the suggestion of the head master, may recommend to the Home Secretary that a child be licensed at any time after six months detention. The head master

<sup>1</sup>For a full account of the Borstal system see William Healy and Benedict S. Alper *Criminal Youth and the Borstal System* Commonwealth Fund New York 1941

may recall a child to the school at any time up to a year after the three years of his commitment. There are after-care officers who acclimatize the boys or girls to their life of freedom and who are responsible for finding them lodgings, work and a club. They are often assisted in this by voluntary social workers and the school managers. The probation officer is not the parole officer, for the children in the schools are the failures of the probation officers and it is therefore considered best to have a new person to look after them when they come out. It is claimed that successes from the junior schools are as high as 90 per cent. That is to say, this percentage does not get into trouble again for three years after leaving school.

### *The War Period*

The courts have remained open throughout the whole of the war period and more than once have I had to hold my court in a passage or in the cellar while an alert has been on and bombs were even dropping in the vicinity. The probation officers have had fearful difficulties in supervision, for it has often been impossible to trace a probationer whose last address may have become a heap of rubble overnight. During the worst periods probationers were in the shelters from dusk until dawn. But throughout we have tried not to lower our standards and the probation officers have been expected to give as thorough a report on their cases as in peacetime, and on the whole they have done so magnificently. In my own court all the probation records were burnt in one single blitz. I am glad that that happened for the proper attitude between the probation officer and his probationer should be that of friendship and no one keeps case papers of his friends. One requires a record of names and addresses but relies on memory to sum up personalities. There is a tremendous



danger of looking upon probationers as cases and not as friends, and the real work of probation lies in the influence of the personality of the officer upon the child.

Before the war there was a scheme requiring a three years training in social service for all who wished to become probation officers, but the Home Office in making appointments now looks first for personality and a sense of vocation, and secondly for academic qualifications and experience in general social work. No candidates who fail on the academic side would be dismissed by the board if they proved to be intelligent and efficient social workers, and no candidate that did well on the academic side but proved unsuitable on the personal side would be retained in training. The lecture courses were on law, case work, psychology and public administration. Individual lectures were given by social workers and juvenile court magistrates. The average age of students was twenty-one to thirty and the salary ranged from £180 for those under the age of twenty-three to £260 for those over thirty. We have tried to attract to the service men and women who look upon it as a vocation and not as a profession, and on the whole we have succeeded in doing this.

### *Interpreting Figures*

The statistics on the rise in juvenile delinquency in England and Wales have attracted a good deal of attention both in this country and in England. Admittedly the figures show a total increase for indictable offenses from 1940 to 1941 of 52 per cent over the 1938-39 figures. But this 52 per cent includes a rise of 122 per cent for girls between the ages of fourteen and seventeen. The figure for 1941 to 1942 has now fallen to 30 per cent which includes 109 per cent rise in girls of the fourteen to seventeen age group. For 1940 to 1941 there was a rise of 40 per cent in the

age group of boys between fourteen to seventeen, but last year this was reduced to 19 per cent. This remarkable reduction will be explained later.

If one reads these figures in another way it really means that instead of 5 or 6 children and young persons per thousand who were found guilty of offenses before the war, in 1942 there were 9 or 10 per thousand—that is to say fewer than one in every hundred.

Except for those who have lived through these war years in England, it is almost impossible to describe the tremendous social upheaval that has taken place in the lives of the children there, and it is only after a realization of the difficulties with which the children have been faced that we can understand how unbelievably good the young people of Britain have in fact been.

### *The Disruption of War*

I want you to try to picture the effect of three and one-half years of complete blackout—so black that pedestrians often bump into each other and more often bump into lamp posts. Under such circumstances invigilation by the police is almost impossible, and there is nothing easier than for those who want to, to commit serious offenses against person or property. And yet crimes of violence have not increased. Think too, of the terrible nervous tension which must prevail in the mind of every child, and for that matter the adult too, as a result of the raids and alerts for months upon end by day or by night. Think of the sense of insecurity which living in such circumstances must invariably cause. Think of spending night after night from sunset at four o'clock in the winter until sunrise at eight, in a public shelter, never taking your clothes off, with no privacy and no comfort, huddled together sometimes in the heat and sometimes in great cold, and very often lying in puddles of water, the bombs

exploding only a few yards away—boys and girls, men and women of all ages and all sorts living together in this way. Think of the long hours of anxiety about the safety of your home and loved ones, and then of coming out of those shelters to find that your home has completely disappeared and all the material things in life, everything that you possessed have gone forever. Think what it means if you are away from the actual blitz to have your dear ones in the city that is being bombed, the fears as to their safety, the courage required when you are told that they have been killed. Can we be surprised if a child finds it difficult to restrain himself after such tension?

Then too, apart from the blackout, think of the tremendous opportunities for looting. A whole street may be blasted and the rubble lying a hundred feet high, property strewn over the roads, attractive, unprocurable things such as toys, clothing, sweets and cigarettes lying there perhaps for months before the demolition squads can clear up the streets. Or think of the opportunities for stealing in the blackout from shops which have no windows and which may or may not have been insecurely boarded up with matchwood. What temptation to steal! And added to all this the whole spirit of the country at fever pitch of excitement and adventure.

I want also to emphasize the effect of evacuation. Children sent to homes in which they do not fit, homesick children who were welcomed perhaps for the first few months, later on feeling that they are in the way and unwanted, children who because of their homesickness return back from the reception area to the evacuation area only to meet another blitz and to be sent back into the reception area again. To repeat this several times and each time to have new teachers, new classmates, new foster parents and no home influence—craving for love, or if they cannot get it, for attention, and finding that good behavior

brings forth neither, but that bad behavior does at any rate call for notice. It is the unhappy child who is delinquent, the child who feels it is not wanted, and that is exactly what the evacuated children felt themselves to be.

This is the peculiar background we have in England today, but besides that we have in common with America the father who is away in the army or at war work, the mother herself often at work, or if she is not actually working, very harassed by anxiety about her husband, about her diminished income, about how to use her points or her coupons, and how to manage the boy who requires a man's handling. She tends to be far less sympathetic and understanding, more quick tempered and less patient with her very high strung children.

The broken home due to the father's being drafted or the mother's working has certainly been a cause for delinquency, but it has not been a cause in England for deliberate neglect and there have been very few cases indeed of that. Married mothers with children under the age of fourteen are discouraged from doing war work for we consider that the whole basis of democracy lies in the home, and that we shall have been fighting this war in vain if the home life is broken up. As there are however mothers with children under fourteen who do work we have all the time made provision to see that their children are not neglected. Creches and day nurseries have been set up by the government for children under school age, so that the working mother can leave them there and pay a charge according to her means. For those of school age breakfast and dinners have similarly been provided at a low price in the schools, and play centers have been organized for these children to attend until the mothers return from their work.

And finally with regard to background, I want to mention two pre-war influences which have helped to make

the child difficult: first, the raucous noise of so-called jitter-bugging music which he hears in the cradle from 7:00 a. m. until midnight, and which I believe has serious emotional effects upon him as he grows older; and secondly, the two or three weekly visits to the movies where he sees passionate closeups of a picture of social life which is certainly not England and which I sincerely hope is not America.

There have been all these many influences then, to make the child delinquent, beyond control, or in need of care or protection—and yet how magnificently have they come through it. England believes that a child is good at heart and if he errs it is either because of his social background or else because of the lack of opportunity to express himself unerringly. Her faith in him has not been misplaced.

If the men of the Spitfires and the Flying Fortresses, the men of the Desert Army, the men of the Navy, and the men of the Merchant Marine can be so adventurous and brave, boys who love to hero worship feel that they too must venture, they too must be brave. This spirit they have exemplified by the way they have fearlessly rushed out in the raids to put out fires and to dig out debris and rescue dying men and women. There is no finer example of it than the increased number of volunteers, boys fifteen to eighteen years of age, for the Merchant Navy immediately after the sinking of a convoy.

### *Healthy Outlets*

If these boys cannot have a healthy outlet for this spirit of adventure, then why not climb drainpipes or break into houses or do something courageous even if it does unfortunately happen to be against the law? They would be just as happy climbing the ropes in a gymnasium or trying to break their necks on the parallel bars or the horse as they are in climbing drainpipes and breaking into houses.

Every effort is being made to see that young persons and

children are not allowed to deteriorate during a war, and we have frozen over the age of thirty, all school teachers, probation officers, and indispensable workers among youth, like club leaders and scout masters. I have heard that some states in America are spending one dollar on curing delinquency and one cent on preventing it. The figures would probably be true of England if they were reversed, for we feel that our efforts must be directed primarily into the prevention of delinquency.

Recognizing that children commit offenses because they have nothing else to do, we immediately made what provision we could to occupy adolescents healthily during their leisure hours. The Board of Education started the Service of Youth. This means that it has established in every town and in every county, youth committees whose aim it is to supply adequate recreational activities for boys and girls from fourteen to twenty. The board has assisted the existing voluntary organizations with grants to buy equipment or pay leaders' salaries and in many other ways, thereby enabling them to keep open. The local education authorities, with the assistance of the Board of Education, have opened new Youth Centres which are not merely keeping young people off the streets but are providing them with social and recreational education. Many technical and commercial evening institutes are being thus utilized, the classroom serving for hobby activities such as drama, debates, appreciation of music, handicraft; the hall for a gymnasium; and the other classrooms for games, library, and canteen. The leaders of these Youth Centres are, if possible, voluntary workers, but if these cannot be procured then salary is given for leadership. We do not look upon these leaders as supervisors but rather as adults who want to share the life of juveniles. Older boys and girls are trained to be the leaders of these centres and clubs, and gradually from being at first a kind of public dancehall they have grown to become a community to which it is a

real privilege to belong. The members are glad to pay their weekly subscriptions and to take a share in raising the whole tone of the centres and to create such an esprit de corps that they want to behave decently for the honor of their centre.

The second great movement has been the pre-service training corps. There has been and is a great demand by youth to serve and to be of service. These pre-service units have satisfied that demand. There is no make-believe about them. They are real. If you join the Army Cadets you are a young soldier indistinguishable from the men of the real service, except that you wear a Cadet Corps badge on your shoulder. If you are an officer you hold the King's Commission. You are provided by the War Office with full uniform, exactly similar to the regular soldier's, and a rifle, and you learn real elementary military tactics, drills and the use of a rifle or machine gun. You work in close liaison with the Home Guard or even the regular soldiers stationed near your unit. If you join the Air Training Corps, the Air Ministry provides you with full uniform similar to that of the RAF, and most remarkable of all, boys who normally would have hated to go back to school are now voluntarily spending as many as five nights a week and Sunday mornings in learning arithmetic, higher mathematics, wireless telegraphy, etc. The same is true of the Naval Cadets. These boys of each of these three services can aim for a certificate of merit which they can carry with them into the regular forces when their call-up comes. It is found that through these pre-service corps, the boys and girls have learned before joining the forces what would have taken six months to teach them as recruits. It must be emphasized that these corps are entirely voluntary and that attendance takes place after long hours of work in a factory. The minimum attendance required is one evening a week but most of them are doing considerably more.

These movements have only been fully in existence for



about eighteen months and already older brothers who have gone into the forces are telling the younger ones of the tremendous advantages they have derived from such training and a great increase of recruits will certainly take place within the next year.

Besides this there are the Civil Defense Messengers for whom the Ministry of Home Security provides greatcoats, helmets and boots, and who are being used as air raid messengers after being trained in anti-gas measures, first aid, and map reading.

For the girls there are similar organizations called the Girls' Training Corps, as well as the pre-air force and pre-naval units.

I am convinced that with these new opportunities to satisfy adventure, with this new sense of responsibility, and above all with the real feeling of contributing to the war effort, the number of juvenile delinquents will greatly diminish. It is necessary to realize what total war means. The whole nation is mobilized and no one walks about the streets in civilian clothes unless he is excused from service or engaged in work of national importance. The fourteen to eighteen boys and girls had been feeling unwanted, but now they have been drawn into this all-out effort and for the honor of their uniform are prepared to train themselves to become useful citizens instead of hampering the war effort by misconduct. We realize that if we neglect the youth we shall have won this war in vain for it is they who are to rebuild the waste places.

Let me conclude by reiterating: the boy and the girl are good, fundamentally good, built in the image of God, and the bounden duty of us adults is to help that boy and girl consciously to live in the presence of God and for His sake and by His help to hate evil, to love good, and to serve his neighbor as a friend in every trial and necessity of his life.





## The Juvenile Court in a War Industries Area

MAX SPELKE

*Judge, Juvenile Court, First District, Connecticut*

CONNECTICUT is a small state measured in miles and population figures but an exceedingly important state in this great hour of human history. It is only about a hundred miles long by fifty miles wide, with an area of about five thousand square miles, making it the third smallest state in the Union. Although only thirty-first in population (latest census figures were only 1,700,000), it stands eighth in war production.

In the dollar value of war supply and facilities contracts awarded, we are topped only by California with ten billion dollars, Michigan with ten billion, New York with nine and a half billion, Ohio with eight, New Jersey with seven, Pennsylvania with seven, and Illinois with six. Connecticut has five billion dollars worth. On the per capita value of contracts awarded little Connecticut ranks first by a wide margin, with \$2828, and the nearest competitor is Michigan with \$1905. These figures support the conclusion that Connecticut ranks all the states in per capita density of industrial operation, and qualitative data indicate that the same holds true with respect to diversification of industry. Our weekly payroll for employers of four or more engaged in commerce or industry amounts to about \$27,000,000, and this does not include municipal, state or federal employees, those engaged in agriculture or domestic service, or those working for small employers. It is estimated that 93 per cent of all production in the state at the present time relates to the war program. The total employment is now estimated at 800,000, and we have engaged in war industry

450,000 people, of which 300,000 are men and 150,000 women. About 300,000 out-of-state workers have been hired in Connecticut since the defense program started. About 50 per cent of all of New England's war work is concentrated in Connecticut.

You are familiar with the names of Colt, Winchester and Remington. These are all Connecticut industries. In Hartford, the state capital, we have the great Pratt and Whitney airplane motor factory, a branch of the United Aircraft Company, along with many other important war industries. New London is familiar to you as a great submarine building base. Cities like Waterbury, New Haven, New Britain, Meriden, Stamford are all deep in the war effort. In Bridgeport, where the principal offices of the juvenile court of my district are maintained, we have the large Chance-Vought plant making the Corsair plane for the Navy, the Remington arms plant, the huge General Electric factory, Bridgeport Brass, Dictaphone, Bullard, Jenkins Valve, Raybestos, Underwood Elliott Fisher, Bassick, Casco and many others.

Clare Boothe Luce aptly described her congressional district when she remarked: "I have often said that Fairfield county is unique among the three thousand counties of the United States because every racial, religious and economic element that has made our nation great and strong is represented here in almost the same proportions as it is in the country as a whole. Our Fairfield county is in short a cross-section of America—a little America." In Bridgeport we have a mixed population of thirty-eight different racial and national strains. I am glad to report that relations among these various groups are excellent and a credit to the leaders who cooperate to promote harmonious understanding. Our Negro population has trebled with no commensurate increase in juvenile delinquency and these people are making a fine contribution to the war effort.

Four out of thirty-two critical labor shortage areas in the

United States are in little Connecticut, and Bridgeport is one of these. Our factories are going day and night, seven days a week, and our womenfolk are working throughout the day and night shifts. Our population has grown over the census of 1940 until we ourselves are not sure just what it really is. We do know that in the Bridgeport area there has been an increase of at least 60,000 people over the normal population of 160,000. In its industries alone, from a total number employed there in 1939 of 26,000, we have today something like 90,000 people working. People commute even one hundred miles to work in Bridgeport factories.

The Army-Navy "E" award has gone to our factories employing more than 25,000 people, and even down to a little Connecticut three-man shop in a converted garage that recently figured in the newspapers. Connecticut in the Revolutionary War was known as the "provision state" and our Salisbury iron mines played an important part in our first war and in succeeding wars. We are today working on a program to reopen these old mines for production.

We have had no serious strikes in Connecticut since Pearl Harbor. The day after Pearl Harbor the then governor, Robert A. Hurley, called capital and labor together. They signed an agreement for "no strikes," which has been labeled the "Victory Compact" and it has been faithfully adhered to by both sides.

### *A Statewide Juvenile Court*

I point these things out to you so that you may have some idea as to the complexity of the problems with relation to the work of the juvenile court. The state legislature in 1941 set up the Juvenile Court of the State of Connecticut which came into existence on January 1, 1942. We are the only statewide juvenile court in the country, with the possible exception of Utah, which functions on an entirely different

basis. The National Probation Association actively supported the passage of this legislation and rendered fine assistance. Previous to 1942 there were two county juvenile courts which came into existence in 1935, in Windham, which is a rural county, and Fairfield, largely an industrial county. Both of these courts were considered experimental and were legislated out of existence by the creation of the statewide system.

The state is now divided into three judicial districts, each of which is presided over by a judge. The first district, over which I have the honor to be judge, embraces Fairfield and Litchfield counties with a population of nearly 600,000 people, and a school population of approximately 100,000. The main office of the first district is in the courthouse at Bridgeport and we maintain branch offices in Norwalk, Stamford, Danbury and Torrington. In each of these offices we have a probation staff to cover the area. We consider this a people's court in a very real sense and we bring the court to the people as occasion arises. Certain days are set aside for official hearings within a certain area; we hold the hearings and meet the children, the parents and all others concerned in a specific case at the point where they reside. This necessitates considerable travel on the part of the judge and the staff, but we render a service thereby that is much more adequate than would be possible if all hearings were held in the courthouse at Bridgeport. No matter how small the community, or how remote, we go to that community for the official court hearings and we hold these hearings insofar as possible in surroundings that are informal and without the usual court atmosphere. For example, in Stamford, through the courtesy of the Young Women's Christian Association, we use their comfortable, quiet and well-appointed rooms. In Norwalk, through the kindness of the Diocesan Bureau of Social Service, we hold our hearings under similar circumstances.

We consider the juvenile court very definitely a social

agency and we like to think of our proceedings as clinical in nature. The social agencies have accepted us as such, and I am very grateful for their excellent cooperation. I have found nothing but a spirit of kindness, helpfulness and good will towards those with whom this court is concerned. We judges are delighted to cooperate with the agencies and to obtain their views of each particular case, and we are guided in large measure by their case work studies and their presentation of the difficult problems that we encounter.

The three judges of this court are named by the governor, appointment being subject to confirmation by both houses of the General Assembly. It is a fulltime job both in law and in fact. Each of the districts is pretty evenly divided as to general population and school population. In each we have a director of probation and a clerk of the court, a secretarial force and a probation staff. The directors of probation were selected from a list of those who passed an examination for that office under qualifications fixed by a state personnel committee. They were certified to the judges by the state personnel director.

The staff workers were appointed in a similar manner and they, both men and women, are qualified by education and training. The secretarial force of the Fairfield county court was taken over intact, with additions necessitated by the larger area covered by this court. Our main concern has been to build an organization of men and women who are not only well qualified by training and education but by a sympathetic understanding and knowledge of human nature.

#### *Cases in Court*

Our jurisdiction is original and exclusive with delinquent, dependent and neglected children up to the sixteenth birthday. Sixteen to eighteen year olds may be referred to us under certain circumstances by other courts but in these

cases we make no commitments and render only a probation service. You will be interested to know our experience with respect to juvenile delinquency and I have taken the figures from the city of Bridgeport from the time the county juvenile court was set up. These figures are more accurate for comparative purposes as virtually the same staff has been maintained since 1935 and the figures have been compiled over that period by the same person. These Bridgeport figures indicate the total disposed of cases as follows: 1936, 521; 1937, 546; 1938, 380; 1939, 499; 1940, 495; 1941, 522; 1942, 393; and for the first six months of 1943, 319. It will be seen that there was a substantial drop in 1942 over 1941 and the figures for the first six months of 1943 indicate an increase over both 1942 and 1941. However, when the 1943 figures are compared with years like 1936 and 1937, and when we consider the large increase in population, we need not be alarmed by the trend towards an increase in 1943. It must be borne in mind that most of these cases are unofficial and the commitment rate today is about the same as it has been over the past ten years. Then too, we find that more cases arise the first part of the year than the latter part because spring-time brings an increase in truancy and the urge with young people to become more venturesome. The number of violations of probation with us is exceedingly low. This I consider is due to the excellent probation staff that we have had in Bridgeport since the creation of the county juvenile court in 1935.

The Negro figures for Bridgeport over the past few years are significant. In 1936 the total number of cases disposed of was 56; 1937, 46; 1938, 36; 1939, 36; 1940, 50; 1941, 60; 1942, 39; and for the first six months of 1943, 16. When you consider that the Negro population has trebled in Bridgeport in the past three years and yet only sixteen Negro children were brought into the juvenile court, I think we must recognize that the Negroes are doing a

fine job of prevention in Bridgeport. The leaders are to be commended for the efforts they are putting into the community to help their people.

What changes if any has the war brought in the cases which come before the juvenile court? Neglected youngsters are commonplaces of every judge's experience, but now we are getting children who need the strong arm of the state to protect them because high wages have tempted their parents to leave them uncared for and even in dangerous situations.

An air raid warden in a Connecticut town hammered at the door of a top floor tenement where a light was burning during a blackout. The father and mother of three small children were both working on the night shift. Four year old Elizabeth was left in charge of the two babies. The only precaution the mother took was to lock the children in every night. Elizabeth was instructed to give the baby his bottle if he cried. On the night that the air raid warden called, the heavy baby had fallen out of bed and Elizabeth just couldn't get him back. Both children were crying when the police finally broke down the door.

Parents like these need something more than a reprimand. They must be followed up by a probation officer of the juvenile court to see that their children come first—before new furniture, or a car, or even the paying of old bills.

Four little girls lived with their mother and stepfather who both worked in a factory on the same shift. The oldest girl was only fourteen. The family had just three rooms which weren't enough even for the six of them. In a wooded section in the rear of the little house was a shack which had been taken over by a nineteen year old boy, also a factory worker. Here he was baching it alone. The mother, an easy going person, felt sorry for this boy and offered him a home in their already crowded quarters. The little fourteen year old girl became pregnant by this boy, and it was her teacher who brought the story to the juvenile



court. The girl was sent to a correctional institution and the mother belatedly agreed to stop work and care for the three younger girls.

Three other little girls seven, nine and eleven, left to themselves during the day when mama and papa both worked on the same shift, became truant from school and then, lured by the treasures in the five and ten, began shoplifting. Again it took the persuasion of the juvenile court to bring the mother to realize that she must stay home and take care of her children.

A simpleminded couple from a farm in New England moved into Bridgeport where the father got a job in a factory paying far more than they had netted from the farm. He became friendly with a fellow worker, a man about forty, unmarried, who was looking for a room. The father, naive and without foreseeing any harm to his fourteen year old son, was persuaded by this man to let him occupy a double bed with the boy. The man was a homosexual and forced the child to submit to such practices. The boy became unmanageable at home and at school but the real situation was not revealed until he was referred to the juvenile court. By that time the child was so deeply disturbed that it was necessary for him to have psychiatric treatment.

A family which had been on relief for many years moved into Connecticut where the father got a job in a war production factory at \$80 a week. The mother became a waitress in a tavern, working from five in the afternoon until one o'clock in the morning. She didn't get home until two and so she was too tired to get up in the morning and get the children their breakfast and send them off to school. The father was supposed to take care of the children nights but he found gambling more exciting and they were alone several nights a week in the home which wasn't much of a home anyway in spite of the big weekly pay check—only some rooms in the rear of a vacant store.



The two little girls, eleven and fourteen, made up with heavy rouge and lipstick and sophisticated beyond their years, ran around the streets instead of going to bed. They soon became adept as little thieves and shoplifters. When threatened with removal of the children the mother finally decided to give up her job. Through a social agency a better home was found for the family in a government housing project.

It is as you see the same old story of neglect, but it does have new elements, and an increasing number of such cases are coming to the attention of social agencies and ultimately to the court. We have conferred with some manufacturers in an effort to control the situation. In one community a foster day care service has been established. When a mother applies to the factory for a job the manufacturer refers her to this agency for investigation. She is not hired until she has been cleared in this way, which means that a plan approved by the agency has been made for the care of her small children. A fulltime worker offers consultation service to this end.

At one time a good many of our delinquency cases came from families living in a government housing project. These people had come from run down slum areas and their children were already delinquent or had at least been in danger of becoming so. Brought together in one area the children quickly developed into delinquents who needed court care. A plan to expand recreational facilities in the housing project resulted in a rapid decrease in depredations from this area.

We have been working in my district without a detention home, but I am happy to report that the city of Bridgeport in cooperation with the juvenile court of the first district has purchased such a home and it will be in operation in the early fall. It is planned to conduct the home along the lines of a child study institute.

We have had splendid cooperation from public officials

and from the press of Connecticut in our efforts to educate the people of our state to the importance of a juvenile court. Much of our success has been due to the teamwork of the clergy, school authorities and police departments. In our educational work we were aided greatly by the film *Boy in Court* produced by the National Probation Association, which was shown to the public in large theaters.

For the most part lawyers have a good understanding of the functioning and philosophy of the juvenile court and we have had fine cooperation from them. But many are unfamiliar with the work and with the informality of our practice. We have had only five appeals from our decisions and these appeals were from commitments. In each instance the judgment of the juvenile court was sustained. In our appellate procedure a judge of the superior court is clothed with all the powers of a juvenile court judge and the matter is heard before him *de novo* with our staff participating in the proceedings. Another judge thus passes on the case just as in the original proceedings the judge of the juvenile court made disposition of it. This type of procedure has strengthened our standing with the legal profession since they can get two views on a given problem.

The juvenile court must be strengthened and supported at every point as it is fulfilling a social need affecting the welfare of our country. Men and women are shedding their blood on foreign fields far flung over this whole globe so as to hand down to the citizens of tomorrow a better world and a better way of living. Those citizens of tomorrow must be guided and protected as our most cherished possession for it is they who will inherit the earth and all its tremendous problems.



## The Impact of the War on Family Life

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THE family case worker sees the war as a disrupting force in American life, one which is creating problems, particularly for family life, the conserving of the values of which has been the object not only of family case work, but of all organized social work, group work and probation and parole work. Briefly put, the war affects the family in every phase, but primarily it means separation and deprivation. Fathers—perhaps even mothers—and elder siblings go into the armed forces; parents enter industry, which may mean either a removal to a new geographical location or a rearrangement in working hours so that the children do not see their parents frequently or regularly. The increasing employment of women has meant, and will mean even more in the near future, that women are adding the role of head of the family and breadwinner to that of mother and homemaker. How will women react to their new role and what effect will it have on their children? Will there develop in the United States, as there has in England and the Soviet Union, a socialized way of life with a minimum of family life?

These are questions we cannot answer at this time; the clinical material that has come to our attention thus far, at least in St. Louis, is limited. Our efforts are still directed at particular situations in the attempt to preserve family life, although we are dimly aware that we are coping with a need and a force that must take precedence over the individual and his family. The disruptions of war are inevitable

and the family case worker is trying to analyze the problems that are arising.

What are these problems of families that are coming to our attention? In the months immediately following Pearl Harbor we noted one striking fact in all the cases that came to us: everyone was taken by surprise and off guard by the sudden onset of the war. We as a nation were not used to living in a war situation. Although we had had selective military service for over a year and young men in families had been called up for service, there seemed no reality to the situation until after Pearl Harbor. It was only then that transfer to a distant camp became traumatic and of course it was only then that men began to be transferred to foreign service. As might have been expected, the types of cases that then came to us were primarily cases of love affairs with soldiers and mother-son relationships.

How long the surprise lasted and what actions it engendered was tied up with the character formation of the individual. The passive dependent person who was not used to functioning responsibly seemed paralyzed for a longer time, while in the person with more strength and independence the surprise wore off more quickly and the individual directed his energies into constructive channels such as civilian defense activities or employment in war industry. The more dependent individual was fixated on the immediate cause of her frustration and spent all her energies in such directions as for instance attempting to prevent the draft of the beloved relative or striving to effect his discharge if he was already in service.

What is happening now, nearly a year and a half after our becoming a nation at war? Social agencies, with the exception of the ARC and the USO, are still on the whole not reaching the part of the community which does not ordinarily come to us—the independently functioning people who are the bulk of the population. We know they are meeting crises (who is not?) but they are making their

own plans and we can only surmise from our general knowledge of human behavior and from those cases which do reach us, that problems in the making will create difficulties for the post-war period.

From psychiatry and social anthropology we know certain facts. The pattern of behavior of children is set by the next older age group. These next older youths whom children have always emulated are now going into service; they are more than ever heroes to the younger ones. Hurry in growing up may cause delinquent behavior. Sexual delinquency is partially explainable on this basis. Girls are envious of the masculine role and hurry their growing up process so as to participate in the war effort even if only by making a service man temporarily happy.

Economic changes are also responsible for changes in behavior. I have heard it stated that there has been little or no increase in delinquency in the Negro group because there has been so little change in the economic status of the Negro family during the early war period. One might comment there is no cloud without its silver lining! Parents are upset by a sudden change in income and their conduct in turn affects their children. Young people going to work too early, earning too much and having inadequate supervision from adults also drift into undesirable behavior. This was found true in England, where homes were physically destroyed as well as otherwise disrupted by war changes, and efforts there have been directed to group activities for these young employed people to keep them occupied with socially desirable pursuits. In our own country efforts in this direction are being accelerated.

Another element in the situation that cannot be overlooked is the draining off of personnel from social agencies and the schools, some of which is inevitable, but some of which is due to shortsighted planning on the part of the powers that be. The draining off of volunteer Big Brothers has already been felt in many places. Lack of staff, or

workers inadequately trained, can be a real detriment in attempting to help youngsters who are troubled by indecision as to their course of action. Should they go on at school or should they go to work or should they join the armed forces? What is needed here is a teacher or a counselor who himself has convictions about a future for which youngsters should be prepared, and who can carry over that conviction to the troubled child.

### *Mothers at Work*

Perhaps the greatest threat to family life is the increasing employment of mothers in industry. We are just entering into that phase of the war here, but in England, in spite of the careful way in which some nurseries were set up, it was found that children were definitely harmed by not being with their mothers. They showed their insecurity by fears and by physical reactions. Evacuated children separated from their mothers behaved similarly. Ameliorative measures have now been taken, such as short work shifts for women with young children and meals for mothers and children together. These discoveries are certainly something for us to be aware of in planning our own day care centers. Efforts have already been made to influence employers in their choice of workers from among the women who apply, and the Department of Labor has urged against the employment of mothers with very young children. But even if we know all the women who bring their children to community sponsored day care centers, what about those who make their own plans? What of the child who is left on his own, with the doorkey on a ribbon around his neck? What of the countless children who are left to the more or less haphazard care of neighbors? What of those whose grandmothers have been brought in from the country, grandmothers who are unhappy in an urban setting, and who are uninterested in the care of their grand-

children, perhaps impatient with them? Many applications for day care are coming from this group, where a short period of grandmother's care has proved unsatisfactory.

And what is the effect on children of the discouraged discussion that goes on in the families about point rationing? Many children are undoubtedly fearful of being hungry. Does this not contribute to their feeling of insecurity as much as the dislocations, the lack of continual contact with the parents and other loved ones?

A group of cases that is coming to our attention, too, is that of rejected children of mothers who spend the time they have away from work in recreation (often recreation in ways we would not approve) rather than with their children, and of motherless children whose fathers are in service or in industry and who are left in more or less haphazard care. A case in point is that of the eleven year old boy who was called to our agency's attention. He had lived in Kansas City with his divorced father. When the father was drafted he brought his son to the step-grandmother with the request that she "try taking care of him for a month." Beyond the month the father made no plan. This grandmother came to an agency which will plan for the boy, but how many such children are there without any planned care?

### *Ways to Help*

What can we do about this? Case workers like all other Americans see the need to win the war as the paramount issue at this time. How can we win this war and at the same time safeguard family life? The government (federal and state), through ADC and dependency allotments has tried to make provision for material needs so that families may be provided for with the mother at home. This is, to be sure, inadequate all too frequently, but the principle has nevertheless been accepted officially. In spite of that, women are going to work and will continue to do so, and we as

American citizens applaud their doing so, although as case workers we deplore what may happen to family life and to children as a result.

How can we help to conserve family life in spite of the destructive forces rampant during a war period? First of all, government benefits should be made sufficient so that women will not be impelled to work for financial reasons only. A woman whose ADC grant or allotment from her husband is less than enough to meet her family's basic need has no real choice. If the mother does go to work, community resources must be developed that will conserve family unity and a feeling in the children of security and belonging. Perhaps we should learn from England's experience, without going through the same process ourselves, that young children especially need their mothers, and that short or split shifts in industry can be arranged for these women.

Day care centers should be placed as much as possible in localities known to the children so that they may have the security of being in familiar surroundings. Induction into the day care center should be carefully planned so that the shock of separation from the mother is blunted as much as possible, and the child feels some security in his teacher and in his physical surroundings.

### *A Goal for Youth*

With the older child, the school, the group work agency, all the social forces that meet him should as much as possible try to consciously foster a feeling of participation in the war effort. An effort must be made to counteract the nostalgic conversations to which all of us are subject about the good old days (a year ago), when we could go riding in the country, eat beefsteaks, buy a can of soup without counting points. All our children, but especially the adolescent group, must have a sense that this war is theirs as



much as their elders' and that what they are doing as students, as young workers, as part of the OCD program, is vital to the war effort. They must be convinced that what we are fighting for is a world in which they may look forward to material advantages and emotional security. A great many parents can be convincing at this point because after the last war they had a like experience. Our aim in fighting is after all a world in which each individual will have a chance to develop and to perform in proportion to his own capacity. It is unfortunate that children have to grow up in a world at war, but the goals of this war must be held constantly before children and adults so that they may look forward to a desired end.

At best we can anticipate that after the war there will be a constellation of problems which we cannot now foretell with any exactitude. If the last war and its after-effects are any criterion, there will be radical changes in many of our customs and habits (witness the changed attitude toward sex and marriage after that war). The upheavals and changes and deviations of a war will carry over into the post-war period. What we can strive for as case workers is to preserve to the best of our present knowledge and ability, whatever stability and security there is, and to help people look to the future with hope for better things to come. No formula can be given for treatment of war-created problems; the people who come to us must continue to be treated as individuals, with the best knowledge and skill that we have developed in our respective fields of social work.

## V DELINQUENCY PREVENTION MOVEMENTS



### The Bar and Crime Prevention

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DURING the past ten years the problem of youth-criminal justice has been a source of much concern to the legal profession of the United States. The war has emphasized the seriousness of the situation. Crimes committed by youth have been on the increase; convictions in court have apparently failed to stop many offenders from repeating criminal acts; punishment has not been effective and instead of rehabilitation of convicted youth we have had institutional confinement that failed to provide proper methods of training and treatment.

The legal profession, concerned for the development of a living, breathing, active justice for youth, has made the beginnings of a three-way program of preventive, legal-social and corrective justice. The war is speeding its progress.

#### *Preventive Justice*

Seven years ago the legal profession of California undertook an educational project of legal guidance designed to prevent youth from coming into conflict with the law through ignorance and lack of understanding, or the lack of experience necessary to evaluate and weigh inducements to criminal activity. The Los Angeles Bar Association started the program. The State Bar of California expanded

and developed it throughout the state. The American Bar Association is considering it nationally.

This type of preventive justice was the result of long practical experience in observing and defending young persons charged with criminal offenses. Its development has been gradual and steady. Study of youthful defendants awaiting trial in the superior courts of California revealed that many of them were ignorant of the processes of law. "What is your defense?" we queried again and again. The answers were often startling. Some wanted to lie their way out, a poor expedient exposed by questioning and requestioning. A few had alibis for their defense, in many instances weak and infantile ones. The missing links in the alibi chain never could be found. Some boys indicated lack of respect for the law and the officers who enforce it, referring to the police as "dirty cops" or "rotten dicks." The "show-up box" was a nightmare to many, fraught with chances of error in identification. Only a few had any idea of the "ropes" in their cases. Most of them did not know "how the cops got wise and made the pinch." Practically all showed that they were easy prey for future criminal influences. They had learned some "curbstone law" and their course of higher education consisted in getting "tank law" from the older felons. Not infrequently the squeal of "frame-up" was heard, but no apparent reason for one could be given. A number felt that only a tough break resulted in their being caught. Imaginative ideas of the law without foundation in fact or reason were voiced by many who thought the judge could do with them as he pleased. In nearly every instance where intoxicating liquor was consumed prior to the unlawful act, the defendant was quick to look upon this as an advantage to his defense, not realizing that the judge might well consider it an aggravation. Expediency justified the crime according to several boys. "There were no eye-witnesses to the offense, so how can we be found guilty?" they queried—

poor fellows. They didn't know that circumstantial evidence is often more convincing than the most direct evidence. Flimsy excuses and vague recollections of the incidents of the crime filled the minds of many. "What do you mean by count one, two, three and four?" some asked. "Why, I was out on only one job." They did not know that it was not the escapade that the law punished but each unlawful act. Other expressions by the youngsters charged with criminal offenses convinced interested members of the bar that a definite program of legal guidance was essential to any well-planned community crime prevention effort.

### *Legal Guidance Objectives*

Legal guidance objectives have been formulated. Primarily they are: to develop respect for the law; to give every child a better understanding of the mechanics involved in the administration of justice; to familiarize every child with the duties and problems of law-enforcement officers; to explain modern day specialization in apprehension technique employed by law enforcement agencies; to explain and caution youth with respect to criminal involvements; to give rules and guides to measure and judge the conduct of those seeking to engage them in criminal activity; to demonstrate by relating actual court cases the exorbitant price paid for the commission of a crime; to bring the law to the child instead of the child to the law; to dispel the idea that a crime can be committed without the offender's eventually getting caught; to reconcile imaginative ideas of the law with facts, and to give youth an appreciation of the duties confronting the judge, the district attorney, probation officer and law enforcement officials.

It is further important to explain the public policy underlying the law; to develop a concept that violation of law

is equal to lack of loyalty to our government; to encourage a spirit of cooperation in law observance; to acquaint children with the pertinent provisions of the state penal code; to explain the mysteries of legal terminology; to explain circumstantial evidence; to interpret human behavior in terms of legal consequences; to point out the precipitating causes of crime; to demonstrate the futility of criminal activity. Youth needs in addition to all this an opportunity to put his particularly troublesome questions to a friendly lawyer.

### *Method and Technique*

Attorney speakers qualified in legal guidance activity have been made available to the public schools. Each county bar association in California has assumed the responsibility of furnishing speakers to its local school district. Talks are given by attorneys before entire student bodies or small class groups. Open forum sessions are also held to give the children an opportunity to ask questions, yet the individual child is in no way singled out.

These talks are designed to become a part of the child's consciousness and as such to be reflected in his social attitude. By indirection the attorney brings to the child his first experience of the law. The attorney's very presence is of good psychological effect. By using young attorneys, and by such devices as selecting the attorney speaker to address the children in the school of which he is a graduate, a bond of interest is created. Participation particularly in open forum sessions where the child is given the opportunity to ask questions that may be of concern to him, helps to remove antisocial attitudes and misconceptions of the law. We have found by experience that the most effective manner of presenting these legal guidance objectives is to clothe the rule and objective in a case history involving some boy or girl. Numerous talks given by California

attorneys indicate that a child audience may be won by the detailed facts of a particular story.

The names of the actual parties involved are deleted from the case history. A statement of the offense is followed by the facts of the case built around the offender. Emphasis may center in the precipitating cause of the crime; the particular behavior problems of the child involved; the others participating; the family involvement, if any; the setting of the unlawful activity; the manner of detection and apprehension; the plight of the victim of the crime; and the immediate and ultimate consequence of the unlawful act. Deductions of value as crime prevention are developed and presented as part of the case. By this method the child never gets the impression of a preaching or lecture, but on the contrary feels that he is receiving "inside information" in an actual case—information that may prove valuable to him in avoiding criminal influences in the future.

#### *The Lawyer's First Responsibility*

Recognition by the bar that the lawyer's first responsibility to the community is to assist in the prevention of youth crime is in contrast with the general belief that his first duty is to defend persons charged with crime. The legal profession is concerned to caution the young, to put them on guard; not merely to bring home the penalties and consequences for violations of the law, but to assert the fundamental basis upon which the life of the law-abiding person is predicated. Just as doctors and dentists have been spreading preventive information throughout our schools thus fortifying youth against disease, so lawyers may help to prevent crime, a social disease, by spreading information of the processes and meaning of the law. The lawyer is qualified by training and experience to give the young a realistic appreciation of our laws and institutions. He knows the dangers of a life of crime, the anxiety of

the accused, the hopelessness of the guilty. His words have a telling effect on young audiences.

### *Crime Prevention Digest*

The Crime Prevention Digest, an informal bulletin prepared by the State Bar of California, sets forth some of the principles of crime prevention. They are based upon the mistakes and errors of persons whose cases have been determined in court. The Digest interprets human behavior in terms of legal consequences.

Case stories reported in the Digest are analyzed in much the same fashion that a law student would digest a case and state the rule of law involved. Case analysis is divided into 1) offense; 2) statement of facts; 3) disposition; and 4) crime prevention deductions. The case of George, a sixteen year old lad, will serve to briefly illustrate how this is done. He was charged with grand theft-auto. The statement of facts includes a brief description of the boy, his home and family, manner in which the offense was committed, persons involved, manner of apprehension. The case was disposed of by sending the boy to a forestry camp.

The deductions or rules of crime prevention flowing from the case were as follows: 1) No matter how well thought out and executed a plan may be, some slip may lead to exposure. 2) Only a false sense of values would lead a boy to believe that the one way he could "feel like somebody" was to drive a car. Achieving in school, excelling in athletics, etc., would serve the purpose much more acceptably. 3) Even your best friend cannot be trusted when he is the one who proposes breaking the law. If he betrays you in one way he will in other ways also. 4) The commission of one criminal offense leads to other offenses to carry out the original purpose. 5) It is not the escapade that is punishable as such, but the series of criminal acts of which it is composed.

The Digest covers also such material as speaking techniques, legal guidance objectives, penal code provisions, excerpts from crime speeches and judicial decisions, crime statistics. It has aroused national interest and attention. Inquiries have come from nearly every state in the country.

During the past year the State Bar of California has added a supplement to the Crime Prevention Digest which in its first year of publication had as contributors a chief deputy public defender, two chief probation officers, a district attorney, a president of a bar association, a sheriff, a law librarian, two judges of the superior court, a superintendent of a state institution for men, a warden of a state prison, a chairman of a bar crime prevention committee and a chairman of a citizens' committee for Latin-American youth. The supplement is now published quarterly as a journal of legal-social jurisprudence.

### *Aid to Youth in Trouble*

The lawyer is obligated to give his every effort and ability in the defense of his client before the bar of justice. He is charged with the duty of protecting the constitutional guarantees of the defendant in his right to a speedy and public trial; of compelling through the court the attendance of witnesses in his behalf; of appearing and defending him in person; of seeing that he is not twice put in jeopardy for the same offense, nor that he is deprived of life, liberty or property without due process of law.

In the defense of youthful offenders legal-social justice recognizes a greater responsibility than this. It emphasizes a treatment approach to the case and not purely a legal one. Its considerations rise above the verdict of guilty or not guilty. It has been apparent for a long time that the determination of the guilt or innocence of the youth seldom results in removing those factors and causes that were responsible for bringing him before the court in the first instance.



The verdict of guilty may satisfy the district attorney, an acquittal may bring a sigh of relief to defense counsel, but what basic improvement has resulted to the young offender in the process or to society? The guilty youth may be bitter about the turn of events. The youth proved innocent oftentimes leaves the courtroom to return to the very environment that brought him there in the first place.

Dr. William Healy has said: "In medicine when symptoms of disease appear, a prime consideration is to give the person treatment that will not only afford immediate relief but prevent later recurrence of the symptoms. If criminality is displayed it is a symptom. When an offender is taken in hand by the law, is he treated by methods that are calculated to prevent recurrence of his symptomatic behavior? Here is a matter of great sociological import."<sup>1</sup>

Legal-social justice discards the notion that the sole concern and duty of the lawyer is to assist the court in the determination of the innocence or guilt of the youthful offender. It proclaims a new though shared responsibility in the ultimate rehabilitation of the accused regardless of the verdict. The innocent, from a social viewpoint, may be in as great need of social adjustment as the guilty.

Attorneys have always been interested in the lives of young clients, some more so than others. Frequently the attorney in the case has exemplified the human, personal factor in the criminal process. His role is that of protector, counselor, advocate, pleader, and above all, a friend to whom one could turn in trouble. Because of the confidential nature of the attorney-client relationship the lawyer is in a position to be a rehabilitative force in the life of the youthful defendant. This confidence between attorney and client is usually developed by such means as these: 1) a thorough explanation of the nature of the criminal process to the defendant; 2) a complete study of his case including personal background and causal factors; 3) a full

<sup>1</sup>Address to American Sociological Society December 1939

explanation of the case to the defendant with recommendations respecting disposition, and an expression of personal interest; 4) able representation in the trial, and assistance in bringing all the facts in his behalf to the attention of the court and probation department in case of conviction.

Anyone connected with the treatment of a maladjusted person will affirm the fact that confidence in some particular person is one of the primary prerequisites of successful rehabilitation. The attorney is in a more advantageous position than many others coming in contact with the youthful offender because his principal objective is to represent and help his client and the client is fully aware of the attorney's efforts in his behalf. The offender is usually receptive to the recommendations and suggestions of counsel. Compare this relationship with that between an inmate in an institution and one of the staff. Here the process of securing confidence is usually of long duration. The man may look upon those around him as persons with authority which he resents and resists.

In those cases where the accused is acquitted the efforts of the attorney toward his rehabilitation have a good chance of success if the individual, although legally acquitted, is nevertheless in need of guidance. If the defendant is found guilty a more difficult situation arises because the man may feel that his conviction was the fault of his lawyer. It is therefore very necessary to maintain the confidence of the client at all stages of the proceedings.

Some special recommendations for attorneys in aiding young clients to return to good citizenship are:

- 1) In case of acquittal when the circumstances indicate need for future guidance the youth should be referred to some community agency or group for assistance in his social adjustment. Attorneys should make themselves familiar with as many such social agencies as possible and should offer assistance in the rehabilitation program. Where pro-

bation is granted the attorney can assist the probation officer directly.

2) Aid should be given at any point in securing psychiatric or psychological study where it is particularly needed, and use should be made of any other facilities of which the attorney has knowledge.

3) The youth should be encouraged to take part in a social program or activity that will absorb his interest and energies.

4) He should be invited to call upon the attorney whenever he needs consultation and guidance so that together they may talk the situation through. Attorneys should seek to correct false impressions and bitter attitudes.

5) When a defendant has been sentenced to an institution contact should be maintained with him by letter or personal visit giving him every encouragement to make his institutional experience profitable.

Attorneys are gradually making use of the rehabilitative practices suggested. Many more will do so in the future—building for a greater legal-social justice to the individual and the community. Further study and application will develop new techniques and methods by which the attorney will render an even greater contribution in the treatment phase of the criminal case.

### *Corrective Justice*

In tracing the historical growth of the principle of corrective justice at the annual meeting of the National Probation Association in 1942, Roscoe Pound said, "The stage of substitutes for revenge, and the stage of retribution adjusted to the offense have been succeeded by one of individualized treatment of the offender and of the potential offender in order to maintain the general security so far as possible by prevention, and maintain the individual life by rehabilitation."

The legal profession has played an important part in

the demand for a change from punitive to corrective justice although other groups and agencies concerned in the administration of criminal justice have contributed. The report on the improvement of criminal justice by the joint committee of the American Bar Association, the American Law Institute and the Association of American Law Schools in 1931 made clear the lawyer's responsibility in the field of corrective justice. A report of the Criminal Law Section of the American Bar Association of that period stated, "There are many groups besides lawyers, each concerned with a comparatively narrow phase of criminal justice and taking responsibility only for the field in which it is interested. . . . By a process of elimination, then, we arrive at the proposition first stated, namely that the lawyers' group is the only one in position to concern itself with the problem as a whole and assume leadership in its solution."

In 1934 United States Attorney General Homer Cummings invited many nationally known experts in the fields of law, sociology, criminology, psychiatry and other social sciences to attend a National Conference on Crime in Washington, D. C. The conference focused the attention of our nation on the crime problem. Standing out as one of the most significant findings of the conference was the resolution recognizing the origin of criminal careers in childhood.

In 1934 the American Law Institute, an organization composed of some 750 leading lawyers and judges in the nation, decided to take steps to meet the youth crime situation. Nineteen specially selected men were assembled representing practically every group concerned with the administration of criminal justice to consider the need for revamping the criminal law. The work of this preliminary committee led to the formation of the American Law Institute's Committee on Criminal Justice-Youth which was appointed in April 1938. In May 1940, after two years of study and debate, its proposal for a Youth Correction Authority was approved by the Institute as a whole.

The Institute then directed an attack upon the defects of the present system in the administration of criminal justice for youth, chiefly against the traditional reliance of criminal law upon punishment and the threat of punishment. It was contended that punishment as the primary method of control was not only logically unsound but also ineffective as social protection against crime. Voluminous facts and figures were advanced to support the contention that the threat of punishment did not prevent the commission of criminal offenses, and further facts were adduced to show that punishment actually imposed did not satisfactorily prevent repetition of crime.

Punishment takes no account whatever of the causes of crime but eventually returns its victims to social freedom not one whit better equipped than before to cope with the same necessities, incapacities and desires to whose pressures they previously yielded. Science has recognized the existence of psychopathic personalities whose course of action could not conceivably be affected by either prospect or experience of consequences such as the criminal law imposes. For some twisted personalities punishment is an inducement rather than a deterrent. Others may be driven to crime by physical abnormalities whose impulsive force punishment can neither diminish nor counteract.

If the punitive method did no more than fail to reform an offender it might be merely useless but there is strong reason to believe that it creates crime. By herding youth with maturity, the impressionable with the hardened, by giving opportunity for dissemination of evil not counteracted by normal contacts, our penitentiaries have spread the infection of crime as the American Law Institute pointed out.

The Juvenile Crime Prevention Committee of the State Bar of California made an exhaustive study of the proposals of the American Law Institute and its model Youth Correction Authority Act. The committee's report was

approved, the Board of Governors endorsing in principle the purposes and objectives sought by the American Law Institute's Youth Correction Authority Act, and by the California Youth Correction Authority Act,<sup>1</sup> but recommended further study with a view to ascertaining if the purposes and objectives of the proposed act could be accomplished without the creation of the authority. The committee was of the opinion that the necessity of accomplishing the reforms whether by way of such a board or within the existing framework of our laws and public agencies was all-important.

Corrective justice is fast becoming a reality. We should bear in mind however the admonition of Dean Pound when he said, "If we work out a system of making penal treatment fit the crime, we risk losing sight of the individual delinquent in pursuit of system. If we look only at the individual delinquent, we risk losing system in pursuit of individual treatment, and lose the objectivity which is demanded when we are constraining the individual by the force of politically organized society. It comes down to the reconciling of the general security with the individual life, which as I have said, is a fundamental problem of the whole legal order."<sup>2</sup>

Justice for youth is our goal—not a justice that is suspended and inoperative until youth falls within the machinery of the criminal law, but as we have said, a living, breathing, active justice that concerns itself with the prevention of youth crime. Toward this goal the legal profession is making a real contribution.

<sup>1</sup>Passed in 1941

<sup>2</sup>*Social Defenses Against Crime* Yearbook National Probation Association 1942 p. 15



## An Educational Program in Crime Prevention

IRA I. BROUGHT

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THE United States Secret Service, a seventy-seven year old organization, has for the past five years been pioneering in a program of crime prevention through education in addition to its regular investigative activity. The service has jurisdiction over the protection of the President of the United States, the suppression of the crime of counterfeiting, the forgery of government obligations. It has also other duties. In 1934 the circulation of counterfeit money averaged approximately \$1,000,000 and it became apparent that some new or added form of attack was necessary in order to suppress counterfeiting.

A case in point which clearly indicated the need for a change in policy and which clearly revealed the cost in money and human misery of what may ensue from an organized gang of counterfeiters, is what became known as the Count Victor Lustig case. Volumes could be written concerning the activity of this manufacturing group and its ramifications. This gang in the five years immediately preceding 1935 manufactured and distributed approximately \$1,000,000 in counterfeit notes in five denominations. They did not pass the notes themselves but sold them to distributors who in turn resold them to others. Passers of the notes produced by this notorious gang were arrested in every part of the United States. Four hundred seventy-seven men, women, boys and girls were arrested for their part in the distribution of notes manufactured by this group.

I need not go into detail as to the problems involved in



conducting these many investigations nor need I dwell on the cost of the investigations, arrests, trials, and the incarceration of the individuals. Of equal importance for consideration is the human misery which is always the lot of parents and children related to those who must go to prison. Certainly I need not go into detail with respect to the problems which arise when these particular individuals come under the jurisdiction of probation and parole workers.

The aforementioned group and similar groups of lesser numbers are encouraged to go into the counterfeiting business for various reasons. There of course must first exist the desire to commit a crime. There must exist an opportunity, and the prospective criminal must be able to visualize a certain amount of profit and convince himself or herself that the elements of danger are not too great. The opportunity is in most instances created by a careless public. Many people fail to realize or take cognizance of their responsibility to fellow members of society, and inadvertently, by their carelessness or ignorance, contribute to the delinquency of minors or assist in compounding felonies by not surrounding themselves or their establishment with the necessary safety measures.

#### *Public Responsibility*

Judicial recognition of the public's obligation to themselves and their fellows was given in Pittsburgh, Pennsylvania, about a year ago when Judge Gustav L. Schramm of the Allegheny County Juvenile Court addressed the following remarks to two merchants who had accepted forged government checks from a juvenile who was at that time before the court for disposition:

"But for your carelessness in transacting your business, this boy would have been living a normal life in his home community with other boys. Furthermore, you are responsible for contributing to juvenile delinquency and I don't



mind telling you that this state of affairs is *appalling*, and if you continue in your careless ways this court will enforce the Pennsylvania laws governing juvenile delinquency and you will be subject to imprisonment in the Allegheny county workhouse for three years."

The merchants endeavored to defend their position by stating that they believed the checks had been presented by the rightful payees and added that they cashed so many checks that they expected to lose a certain amount now and then. To this Judge Schramm made the comment, "Yes, you would lose a few dollars, but don't forget we are losing our boys through your carelessness and this condition will have to be remedied at once." Judge Schramm subsequently placed one of the merchants on probation for a period of six months and warned him that he would enforce the state statutes governing juvenile delinquency in the event the merchant violated his probation.

I recall very distinctly participating some years ago in Syracuse, New York, in the arrest of a young Spanish girl about nineteen years old who was the mother of a small baby. She resided in New York City some 250 miles from the point where she was arrested. In a lower east side saloon in New York she became acquainted with a young Italian boy who invited her on an occasion to take a drive for the day. Without inquiring particularly as to who he was or where they were going, she agreed to the trip. They proceeded through northern Pennsylvania into New York state and on several occasions while enroute, as subsequent investigation developed, the Italian boy gave her what later proved to be counterfeit \$20 bills to purchase some small item. When she became aware of the character of the currency after having innocently passed several notes, she indicated that she would not pass any more. The Italian boy reminded her that since she had passed several notes and was guilty of a crime, she could not consistently refuse to pass others. This couple arrived in Syracuse where the

girl was induced to pass several more notes and on the third attempt the note was detected by the merchant and her arrest followed. The boy who had remained in the car while she entered the grocery store, observed that she was in difficulty and fled the scene. To my knowledge he has not as yet been apprehended. This girl was sentenced to the penitentiary. Did not those who accepted without question the spurious currency tendered by this girl, contribute to her delinquency?

### *A Plan of Education*

Conditions as I have related them revealed the necessity of inaugurating a new form of attack, and our chief, Frank J. Wilson, promulgated a plan of crime prevention through education, having as its purpose the eradication of crimes against the counterfeiting laws by the dissemination of instructive information to every man, woman and child in the nation, information of a character which would serve to equip every person with a form of protection against the counterfeiter and forger. This plan was a radical departure from the policy of secrecy concerning the suppressing of counterfeiting followed by the service in the preceding years of its history. A sound motion picture was produced illustrating the characteristics of genuine currency and by comparison showing the characteristics of counterfeit currency. It also showed the modus operandi followed by the average passer of counterfeit money. During the past five years this motion picture has been shown 34,000 times to more than 9,000,000 adults and 6,000,000 students. In addition, the picture has been shown in almost every neighborhood theater throughout the United States. In conjunction with the showing of this picture entitled *Know Your Money*, comprehensive booklets have been prepared and made available to high school students and other interested persons throughout the entire United States.

With marked success for the past year we have concentrated upon the adoption of this *Know Your Money* booklet as a course of study in all high schools throughout the United States. In addition to the foregoing educational steps our agents have delivered thousands of lectures to representative business groups throughout the United States. They have at the same time appeared in radio discussions. Many large concerns have cooperated in this educational program by making available the advertising facilities of their respective concerns. In this manner there has filtered down through hundreds of advertising channels pertinent information relative to proper methods for cashing government checks, and the detection and handling of counterfeit money by the public. To reduce opportunities for forged endorsements on government checks the secret service had a warning printed on each check. On these checks you will observe in bold print on the face of the check—*Know your endorsers—Require identification*, and on the back of the check is printed the following identification procedure: *When cashing this check for the individual payee, you should require full identification and endorsement in your presence, as claims against endorsers may otherwise result.* This warning has been effective and has resulted in a decrease in this type of case.

To illustrate one of the many beneficial results of our crime prevention through education program, permit me to direct your attention to an incident which occurred in Toledo, Ohio in 1940. This was during the progress of our intensified educational program. Counterfeit \$10 notes of a deceptive character made their appearance in Kentucky; Pittsburgh, Pa.; Youngstown, Ohio; Detroit, Michigan. All were identical. Six months prior to the appearance of this new issue of counterfeit notes, a Greek boy in Toledo, whose father operated a restaurant, made a study of a display of counterfeit and genuine notes which had been placed in a local Toledo bank for educational pur-

poses by our service. In November 1940 the passer of the aforementioned counterfeit notes arrived in Toledo and unfortunately for him, visited the restaurant owned by the Greek boy's father, ordered a meal, and in payment therefor presented a counterfeit \$10 note to this boy. The lad immediately detected the note as a counterfeit and brought about the arrest of the criminal. *This counterfeiter stumbled and fell when he encountered an informed person*, and as a result of the intelligence and alertness of the Greek boy, we were able by subsequent investigation to capture the counterfeiting plant and arrest those responsible for the manufacture and distribution of the notes. There came into our possession forty-eight well executed steel plates which the gang planned to use in the manufacture of counterfeit notes on various federal reserve banks throughout the United States. In contrast to the Lustig case mentioned earlier in this discussion, this particular counterfeiting enterprise came to a close with the arrest of four people and *before* the criminals were able to systematically get their product into circulation.

In speaking of the results accomplished from our educational campaign, we have for purposes of comparison the statistics of arrests, convictions, and losses to the public in money. Since 1936 losses to the public through the circulation of counterfeit notes has been reduced 93 per cent, and the percentage of convictions has dropped 89 per cent. From 1933 to 1936 the number of arrests made by this service averaged 2448. In 1942 the number of arrests made by the service was decreased to 321.

#### *Informed Students*

Looking into the future, millions of high school students emerging from their schools will be equipped with a comprehensive knowledge of our genuine currency and the characteristics of counterfeit currency, and they should be

able to detect *instantly* any spurious currency that might be tendered them. They have also been taught how to enter into transactions involving the handling of government checks of which there is an ever increasing number, due in the main to allotment and allowance checks going to the homes of service men. It is our sincere hope that the millions of high school students who have been required to make a study of currency, will as a result become aware of the futility of engaging in the crime of counterfeiting and be deterred from *at any time* taking part in this form of criminal activity. Furthermore, we sincerely hope that we may consider each of these students as a stumbling block or a hazard to any counterfeiter in having the same knowledge which the Greek boy in Toledo had.

Counterfeiters are not unaware of our educational activities, and if they are concerned with their own safety in the future they will find by observation or inquiry among their own type that, insofar as counterfeiters and forgers are concerned, the heat is on. Our educational program will be continued in the future and in the course of time all necessary material relating to the problem will be incorporated in appropriate textbooks in all schools. We of the Secret Service have come to the conclusion that education is more important than investigation because education eliminates the need for investigation.



## Delinquency or Recreation

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THE present struggle is total war. It is waged on the military front and also on the home front. As America gets into the war on all continents the entire war enters American homes. One year after Pearl Harbor war is changing our routine of living and affecting every man, woman and child in this country. Parents and the public are concerned particularly over its relation to child welfare. "Will the war bring about an increase in juvenile delinquency and if so what can be done about it?" is a question uppermost in the thinking of many of our citizens.

The effect of war upon children's behavior was demonstrated in every country a quarter of a century ago. It can be stated in a sentence: *In the first year of war, rates of juvenile delinquency showed a small rise, but in the second and succeeding years a marked increase took place.* In the present war however, delinquency in England increased 41 per cent for children under fourteen, 22 per cent for children between fourteen and seventeen during the first year of hostilities. This unexpected phenomenon was due to a special situation.

When Hitler invaded Poland in September 1939, and Great Britain declared war on Germany, English military authorities, fearing the bombing of large cities, ordered children, or mothers with children evacuated to the country. This mass exodus from urban to rural areas resulted in great dislocations of family relations. Mothers returned to the city to care for their husbands; children, homesick for their parents and disliking the country, drifted back. The black-

outs, air raids and sleeping shelters were phenomena practically unknown in the previous conflict. Little wonder that juvenile crime increased by leaps and bounds.

After one year of war what are the facts in the United States? Fortunately there are now available the results of a nationwide questionnaire<sup>1</sup> on juvenile delinquency reported by 153 juvenile courts. Charles L. Chute, executive director of the National Probation Association states that these courts report an increase of 8.5 per cent of cases in 1942, the first full war year, over 1941. In 1941, a defense year, there was an increase of 7.5 per cent over 1940. In 1942 the increase was smallest in the large cities (7.3 per cent), greater in medium-sized cities (11 per cent), and largest in the small counties (14 per cent).

The facts for American cities thus support the experience of World War I that only a moderate increase in juvenile delinquency takes place during the first year of conflict.

### *Delinquency Now in the Making*

But in the last war child crime rose sharply in the second and succeeding years. What reasons are there to believe that a similar increase will take place in the United States in 1943 and 1944?

In the first place war has already disturbed family relations and will continue to disrupt them in the coming months. At the close of 1942 approximately five and one-half million men were in the armed forces and by the end of this year that number will have nearly doubled. This means taking many older brothers and some fathers out of the family, thus withdrawing influences of social control upon the behavior of younger children in the family.

In the last two years the number of women in the labor force of the United States rose from ten and one-half million to over fifteen million. Chairman McNutt of the

<sup>1</sup>"Juvenile Delinquency in Wartime" *Probation* June 1943

War Manpower Commission stated that there were in 1942 four million women in war plants and that at the end of 1943 they would number six million. This upsurge of women into industry cannot but have repercussions in the home. Reports from all over the country tell of small children locked in the house, the apartment or the trailer during the hours when the mother is employed in war industry. The need of remedying this situation is so evident that public and private efforts are being made to expand day nursery facilities.

This neglect of children resulting from the absence of mother and older sister from the home means sooner or later an increase in child crime. Children left on their own to roam the street drift into wayward behavior unless the community makes provision for recreation.

But in many communities child welfare services are being weakened and imperiled. An alarming teacher shortage due to men entering the service and women going into war activities, is reported from all over the country. In New York City appropriations for education and recreation were reduced in 1942. The recreational staff supplied by the WPA in many cities throughout the country was entirely withdrawn last year. Recreational and other welfare services are now handicapped because of the drafting for military service of experienced personnel. After one year of hostilities England realized that in total war it was important to retain on the home front a nucleus of trained youth leaders.

Another factor making for delinquency is the wartime atmosphere. Children and youth even more than adults are infected with the excitement, instability, and confusion of the greatest conflict in human history. Old values seem to lose their significance and nothing appears to matter except what is related to the national effort. This change is particularly marked with adolescents just under the age



of approved participation in direct war activities. Boys under age are eager to enlist. Girls of fourteen or fifteen, debarred from USO entertaining, seek clandestine meetings with soldiers and sailors. Running away from home is on the increase for both girls and boys.

This brief review of the present situation reveals a condition of juvenile delinquency in the making. The first year of war is one of child neglect and demoralization, preparing the way for the breakdown of social controls of the home, the school, the church and the community. A marked increase in juvenile delinquency in 1943 appears to be clearly indicated.

### *The Social Nature of Juvenile Delinquency*

What, if anything, can be done to counteract this rising tide of juvenile delinquency?

First, an understanding of the nature of juvenile delinquency is a precondition to any program of prevention or treatment.

In the last twenty-five years our knowledge of its causes has greatly increased. We now know that the gang, neighborhood conditions, and the lack of recreation are responsible for the majority of cases of child crime. In a few spectacular instances like those featured in newspapers, individual factors, such as psychopathic personality, may be the chief cause. But by and large, as proved by the studies of Thrasher on *The Gang*,<sup>1</sup> and Shaw and McKay on "Social Factors in Juvenile Delinquency,"<sup>2</sup> social relations figure as the predominant factors in the lawless behavior of children.

The influence of the adolescent group upon its members can hardly be exaggerated. Its potency can be understood

<sup>1</sup>Frederic M. Thrasher *The Gang* University of Chicago Press 1937

<sup>2</sup>National Commission on Law Observance and Enforcement *Report on the Causes of Crime* Vol. II Government Printing Office, Washington, D. C. 1931

by two cases, one of a gang of boys and the other a clique of girls. As told by a group worker:

A gang of ten boys was causing trouble in the neighborhood, breaking street lights, pilfering from the owner's store and making a disturbance. I decided to visit their homes. Each mother told me exactly the same story. "My boy is a good boy, the best boy in all the world. It is only when he gets with the other nine bad boys that he gets into trouble."

There is profound truth in what the mothers said. Ten boys, unsupervised, may easily get into difficulties. It is a fact of human nature that a group of ten boys left to run wild will engage in delinquencies which no one of them would do alone. The same ten boys under sympathetic and intelligent leadership will engage in constructive activities with enthusiasm. It is in the unsupervised gang that the boy learns to become delinquent.

The following story was told by a mother active in civic welfare and living in one of the better sections of a large city:

My daughter came home from school Friday afternoon in tears. Sobbing, she finally told me that the girls had laughed at her old clothes. She begged me to buy her a new dress for Monday, saying she could not face her playmates again in her old one. I was surprised that her little friends whose mothers were my friends would act so snobbishly. Finally I telephoned one mother. When I told her about it, she replied that her daughter had come home with the same story. Telephoning around, we found that the girls, wanting new dresses, had concocted this scheme and had almost put it over on us.

If fathers and mothers in the better residential districts have problems of adolescent behavior how much more difficult is parental control in the underprivileged areas of the community?

Juvenile delinquency rates are generally highest in the industrial districts of the city inhabited by immigrants and Negroes. These are the communities with the highest per-

centages of poverty, bad housing, tuberculosis and other communicable diseases, mental disorders, alcoholism, and adult crime. These are also generally the districts with the smallest provision for parks, playgrounds, and supervised recreation. Should we then be surprised by high rates of delinquency in these areas both in times of peace and in war?

### *Neighborhood Influences*

Certain community conditions present in all communities, which spread criminal attitudes, are particularly potent in the poorer neighborhoods of the city. Here children spend twice as much time each week in the movies as in supervised recreation. Favorite pictures are crime serials. In these same neighborhoods the radio programs which children listen to more than to any others are the crime and mystery stories. Children copy these patterns in playing robbers and policemen. Many a boy dreams of being a bandit when he grows up.

In certain city neighborhoods patterns of adult behavior influence children toward crime. Boys generally know if gambling is going on openly or under cover. When the "big shots" in the community are gamblers or gangsters, adolescents are almost certain to look up to them and to take them and their careers as models.

The criminal tradition in delinquency areas is handed down from older to younger delinquents. This is pointed out by Shaw and McKay in their report "Social Factors in Juvenile Delinquency" to the Wickersham Commission.<sup>1</sup> They say:

In many of the delinquency areas of the city, crime among the older offenders is often highly organized. These organized groups become a very powerful influence and perpetuate

<sup>1</sup>Op. cit., p. 127 (See also John Landesco "Organized Crime in Chicago" *The Illinois Crime Survey* John H. Wigmore, Editor Illinois Association for Criminal Justice Chicago 1929 p. 825-1087)

criminal traditions in the whole area. The members of these groups and their criminal practices are known to the younger boys. Materials secured from personal interview and life histories indicate that delinquent boys possess an amazing fund of knowledge about crimes, criminal rackets, graft, political corruption, the criminal code, fences, and numerous other aspects of the life and practices of the underworld. For the most part, this knowledge is secured through their contacts in the neighborhood and thus reflects the kind of world in which they live.

### *Social versus Individual Factors*

Thirty years ago most criminologists believed that crime and delinquency were caused by physical or mental defects in the individual. Recent research by sociologists, particularly by Shaw, Sutherland and Landesco, shows that the great majority of juvenile delinquency cases results from social factors such as the home, the gang, community conditions (poverty, unemployment, bad housing, overcrowding, lack of recreational facilities) and criminal traditions in the neighborhood. The juvenile delinquent generally steals in the company of other boys. The cases where delinquency or crime results chiefly from some mental defect often make the front page of newspapers. They are sensational because they are unusual.

### *Does Recreation Prevent Delinquency?*

If the offenses of boys and girls are due more to social than individual causes, then their treatment should be based squarely upon this fact. Our welfare agencies and our institutions facing the rising tide of juvenile delinquency need to know how effective is recreation in the treatment and prevention of child crime. A recent study<sup>1</sup> under the direction of the Chicago Recreation Commission is the first large-scale investigation of this subject ever under-

<sup>1</sup>Ethel Shanas *Recreation and Delinquency* Chicago Recreation Commission 1942

taken. It covered five communities in Chicago, four with delinquency rates higher and one with delinquency rates lower than the average. In each area, attendance at recreational activities—15,217 boys and 7,939 girls, ten to seventeen years of age—was recorded for an entire year so that seasonal changes could be observed. The total hours spent in recreation were over one million (1,001,934) for boys and over one-quarter of a million (279,919) for girls.

The purpose of the study was to find answers to the following questions: How great is the appeal of recreational activities to boys and girls, delinquent and nondelinquent? Does supervised recreation help in the treatment and prevention of juvenile delinquency and if so, how much? What should be done to provide more wholesome recreation and to reduce juvenile delinquency?

By recreation in this study was meant activities carried on at a location under the supervision of a recreation leader working for a public or private agency such as a park, a playground, a settlement, a church, or a community center. By delinquent was meant a child or youth between ten and seventeen years who before the study had a juvenile court or police record, or who was known by the staff of the recreation agencies in the neighborhood to have engaged in delinquencies, in trancies or in malicious mischief.

The published volume of over 300 pages with 176 tables and 62 charts, contains the findings of the study. Only a few of the highlights can be reported in this paper:

- 1) An outstanding fact disclosed by the study was the inadequate provision for supervised recreation.
- 2) Children in the areas investigated attend the movies double the number of hours each week that they spend with agencies of supervised recreation. Surely a minimum provision for supervised recreation in a neighborhood should result in attendance time equal to that spent by boys and girls at the cinema.
- 3) One finding, well known to recreation workers, was that it is much harder to interest delinquents than non-

delinquents in supervised recreation. They prefer to roam unsupervised in the neighborhood. When they do attend recreational agencies, delinquents prefer competitive sports and nonsupervised activities like those of the game room. It is difficult to get them to join a club or to inveigle them into a class in craftwork.

4) The radio holds the interest of children, whether delinquent or nondelinquent. In all four neighborhoods with higher delinquency rates all children were particularly fond of radio crime and mystery stories, while in the neighborhood with the lower delinquency rate, both boys and girls preferred comedies and variety hours.

5) In the neighborhoods studied much more provision is made for recreation for boys than for girls. This follows the general tendency to provide first for masculine needs.

6) A striking finding of the study is that agencies of supervised recreation hold boys until they reach fourteen years, after which many of them seek their recreation elsewhere, often with street gangs.

7) Finally, the most significant finding of this study is upon the relation of supervised recreation to delinquency. Delinquents who did not take part in supervised recreation during the year become repeaters 30 per cent more often than those delinquents who did. This indicates that recreation is a remedial factor in treatment, though not a sure cure. The nondelinquents in these areas who did not take part in supervised recreation during the year ultimately became repeaters 270 per cent more often than nondelinquents who did. This finding apparently means that supervised recreation is nine times as effective for prevention as it is for cure of juvenile delinquency.

#### *A Program for Preventing Delinquency*

On the basis of these findings and in the light of their experience in the recreational field, the members of the Committee on Recreation and Delinquency adopted eleven recommendations which were approved by the Chicago Recreation Commission. Let us examine several of these to see how they stand the test of the wartime situation:

1) More supervised recreation should be provided in all the neighborhoods of the city especially where the delinquency rate is higher than the average for the city as a whole. Additional provision for recreation is imperative in neighborhoods with high density and congestion of population.

2) In every neighborhood of the city where the delinquency rate is higher than the average, a local community committee or council should be organized representing the home, the church, and other neighborhood institutions, to cooperate with the juvenile court and its probation workers, with the juvenile officers of the police department, and with schools in working out a plan whereby especial attention would be given to meeting the recreational needs of juvenile delinquents.

3) There is a great opportunity to increase many forms of outdoor recreation, for example, on vacant lots in congested neighborhoods.

4) There is great need for many more small playgrounds accessible to children.

5) Every effort should be put forth by recreational agencies to reach boys from fourteen to seventeen years old. This is important because many delinquent careers are started or become fixed in these years.

6) Special attention should be paid by recreational agencies to ways and means of attracting and holding delinquent and predelinquent boys. They are more active and restless than other boys. These "hell-raisers" as they are called are a challenge to recreational leaders who are face to face with the task of making constructive activities more exciting and thrilling than destructive acts.

7) Recreational facilities for girls need to be expanded until they are on a par with those provided for boys. This is particularly pressing in wartime for girls in their early teens.

8) Finally it must be recognized that recreation is only one factor in the treatment and prevention of juvenile delinquency. The areas of higher rates of delinquency are those with the greatest concentration of poverty, bad housing and broken homes. Since delinquency is found in the more disorganized areas of the city, more attention must be given to feasible means of community organization to deal with

the problems of neighborhood life. Only in connection with an integrated program of community organization in which are included the institutions of the home, the school and the church, can recreation function effectively as a character-building and delinquency-preventing activity.

These recommendations, framed for a peacetime situation, are even more necessary now that our nation is at war.

The responsibility of our welfare agencies and institutions is clear. It is like that of the health department which predicts an epidemic upon the basis of the first reports of an increase of a contagious disease, and which then sets about to fight this disease and to make its own prediction false. The same action lies ahead of us regarding juvenile delinquency. We can with some certainty predict a great increase of child crime. But we can also take those measures if we will, to prevent or at any rate greatly reduce the expected increase. The most important single measure is for the residents in each local community to organize in order to provide for their children recreation, day nurseries, and the other needed services to safeguard their welfare in wartime.



## VI COMMUNITY CARE OF DELIN- QUENT CHILDREN



### Communication Lines between the Children's Court and the Training School

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A CLOSE, easy relationship between the children's court and the training school is of extreme importance to both agencies and to the youngsters they serve. It is only by talking this relationship over frankly and intimately that the two groups can build a communication system that may be free of static and sufficiently sturdy to withstand the storms which, with the many pressures upon us, blow up frequently. Our communication lines are so important that we cannot afford breakdowns. Can we not say that understanding the other's point of view is the strengthening factor between us, and discussion can become the number one trunk line in our system of communications?

The community through its children's court expects the training school to protect society by holding secure the boy or girl who threatens society through failure to conform to its standards of behavior. At the same time the community expects the training school to return the youngster within a reasonable length of time so changed in attitudes and habits that he will become an asset to society or at least will carry his own load without offending society. Do we give enough thought to the fact that these two objectives are diametrically opposed to each other? I feel that some understanding of how these two objectives relate

to each other may have a bearing upon our relationship as two cooperating agencies. One may hold a child by making the place in which he is kept secure as far as structure is concerned. If however the training school is to be an open type institution such as a cottage plan with an extensive campus, then security may be effected by constant supervision by adults who are capable and clever enough to control children individually and in groups.

To stop here at the point of detention fulfils the first objective so long as the child is held, but detention in itself is not justified except on a temporary basis while a more constructive plan is being evolved or to control a child until he or she develops an attitude that is conducive to further planning. Detention has its place both in the children's court and in the training school, but it is justified only on a short-time basis which should ideally be measured in hours or days—never in weeks or months.

The training school is expected to go further and provide a program to help the child live with others and conform to their standards. One may affect attitude for the moment through detention; a child may resolve to do better, and this is a constructive step; but to develop ability to live satisfactorily with others requires practice in living with others, and detention, either by confining a child in a room alone or by supervising him constantly so that he has no choices, does not give him such practice. Under detention conditions one may help a child to learn arithmetic and he may learn to work or to run a machine, all of which he may use in adult life, but he learns the important elements of community adjustment only by meeting situations similar to those that he will find in the community. When the training school introduces these elements in an effort to help the child learn how to handle them detention is weakened. In a sense the training school must take

chances in the immediate safekeeping of the child in order to develop a program to help him in the long run.

As an extreme illustration a training school that puts all of its emphasis on detention might keep one hundred boys for two years without one runaway, whereas another might develop a program possessing more training elements and yet have twenty-five runaways. The important thing is—under which setup would society be best served? If in the first instance the one hundred boys returned to the community fundamentally unchanged, they might in the end offend society much more seriously than the second group who may have through their experiences learned much more about how to meet and handle life situations. I personally do not believe there is a close relationship between submission for a year or two years to a formal, supervised, regimented program in an institution and good adjustment after return to the community.

### *Home Setting*

Let us go back for a moment to the family as a unit in the development of the child. A good home has parents who represent love and affection which give children a sense of security, a feeling of belonging and a desire to please. Parents under these conditions become models, they represent standards for behavior. Because he is secure the child accepts even stern pressures in learning how to live with his brothers and sisters and his father and mother. As he grows older his confidence in his parents enables him to bring back to them problems he faces as his circle of experiences widens, and he receives guidance until he is able to meet situations without it. We say then that he has matured and is ready to live on his own and make his own home.

The training school cannot and should not hope to emu-

late the conditions of this ideal home. Different tools are used, the relationships differ, but the objectives are the same. The child comes to this school in many cases against his will, but effort should be made to bring him to a point where he accepts his placement as a fair and reasonable plan. He finds things to do that interest him, other boys who are striving for worthwhile goals, adults who are friendly and interested. Out of all this comes a feeling that he belongs. The more confidence he acquires in the school and the adults with whom he lives, the more stern pressures he accepts in learning to meet good standards. He must be challenged to discuss his problems with adults who are in a position to counsel and guide him in making decisions. He must have opportunities to make decisions—some good and some bad. He learns cause and effect when good decisions bring satisfaction and errors bring disapproval and varying degrees of pressure. In a like situation another time his decision will be a better one. There must be a give-and-take out of which he learns how to live with others. This again is a maturing process which leads to his placement back into the community.

If we keep in mind this long range point of view in contrast to a short range or "detention" view of the function of the training school, the succeeding points on communication between the court and the school will be clear.

#### *Training School Facilities Available to the Children's Court*

Many children's courts have but one training school available to them, a training school designed to accept all the children in the state who need a controlled environment. But the group who need institution care do not all need the same kind of training school program or atmosphere. Also, most such schools are too large and unwieldy. I believe that we in the training school field could offer much

better service to the courts if we had more schools, smaller in population and varying in the program offered. In this connection I am intrigued by the Borstal system in England. Certainly a state which needs to care for from five to six hundred boys would be wise to build three small training schools rather than one large one, and I think the same principle would apply in the girls' field. Then every court by an intimate knowledge of each program would find the one to best meet the need of the particular boy.

In the absence of this sort of public program each court would do well to look to private resources in its area. Some boys who need a group environment respond to the atmosphere of a private preparatory school; others to what we often speak of as the "dependent institutions." This thought may seem revolutionary and impractical but I make a plea to the workers in courts to really study the resources available and not to decide which institution is the best, but which is best for a particular boy. No one program is going to meet the needs of all boys. For example, I conducted a private school in Connecticut which accepted many boys from the children's courts. We worked in cooperation with the state school, not as a competitor. We referred boys to each other—some cases we could serve better and in other cases the state school could offer more.

We in training schools are remiss in not encouraging more visitations on the part of judges and probation officers for they need to have a thorough understanding of all institutions available to them.

#### *Approach to the Training School*

There comes a time in the children's court when the probation officer and perhaps the judge both feel that a child needs to be committed. From this point forward practice differs: commitments are made without consulting the institution; histories are sent to the institution in other

instances and the opinion of the administrator sought before commitment. Sometimes institutions interview the child and perhaps his parents and an attempt may even be made to have the child visit the institution. I have worked with all of these variations and believe that no court should commit a child without first consulting the institution to be used. The institution should in this process offer an opinion and start its intake procedure. Private institutions may of course require this step, but it should be extended to public institutions even though the institution may not have a real vote in the decision finally reached.

I realize that most of us in training schools do very little about starting intake procedure before commitment, but I believe every minute spent early in our contact with a case would save hours and dollars at a later date. Time is well spent discussing the situation with the probation officer, the parent and the boy. Such questions as the need of the boy's entering a training school, interpretation of the program, length of time the boy would stay in the program, and other questions may be raised by the boy or his parent.

#### *Interpretation by the Court*

The training school as a possible solution to a boy's problem should not be presented in court to either the parent or the boy as a punishment for his offense, and during a period of probation it is unwise for any court worker to hold the institution as a threat over the child. In dealing with a youngster or a parent the fact that the judge and the court possess ample authority to make plans is sufficient. A logical explanation of what is happening in a boy's situation can be presented in a manner that will be effective in most cases without threats. When the boy or the parents are not cooperative or do not respond to reasonable explanation, a period of detention will usually produce an attitude conducive to planning. When the court uses the training

school as a threat or when commitment is made as a punishment, the school has a much more difficult time in winning the boy over to the point where effective treatment or training can be undertaken.

Neither is it wise for a court to make promises or to ease the family by overselling a training school program. Many a child has been disillusioned and hurt by a kindly worker who comforted a tearful youngster by saying, "In six months you can be home again." Six months later a social worker will pick up a letter written by the boy to his mother saying, "My six months will be up next Sunday, and I shall expect you to get me."

The court should help a boy face his problems and explain the training school honestly and frankly as a program in which the faculty will help him to solve them. Implore him to be cooperative, to seek out people at the school who will be friendly and helpful in meeting situations. Point out further that the training school will be anxious to place him back home or in the community just as soon as he has learned to get along with people, and that the length of time he will be there will depend on how soon he can win the confidence of the faculty and prove that he is reliable and dependable. If he has been developing poor habits for fourteen years it may be difficult for him to form good habits in fourteen months, and one should talk with a youngster and his family in terms of a long period of training such as perhaps two school years. Detention alone cannot be justified on a long time basis; punishment placement would have to be short; but if the child is really to be placed in a training situation, a retraining job cannot be accomplished in most cases in a few months.

Placement in a training school is like a period in a hospital. The community doctor expresses the need of placement and makes arrangements, but the hospital doctor determines when the patient can be safely discharged. How long the patient stays depends on the nature of the problem,

the treatment needed, and the rapidity with which the patient responds to the treatment. Should not the judge and his staff initiate the plan and rely upon the specialists in the training school who live with the youngster from day to day to determine when he should return to the community?

### *The Importance of Parental Cooperation*

The training school finds it extremely important to win the cooperation of parents during the period of training. A large percentage of children would not have needed institutional training if the home had offered proper supervision and a stable, well-balanced environment. But when the parents are antagonistic to everything that is planned a very difficult triangle is formed which involves the parents, the court and the school. The child will play one against the other until attempts at training are frustrated unless the court and the school stand firmly together. It is this type of situation that leads to a good percentage of the runaways from the school, and these cases contribute most of the appeals on the part of the parents for release, and on the part of the training school for transfer.

It is my feeling that both the court and the school could eliminate many of these cases if more time and care were taken at the time of commitment to win parental cooperation. The court should keep this in mind in interpreting commitment, and the school should start its intake procedure also with this in mind. If between us we were to eliminate half the instances of parental antagonism it would increase our successes.

### *Adequate Material for the Training School*

In dealing with private placements I have told parents time and time again that accurate and complete information on a child about to enter a training school will save



months in the length of residence. This no doubt seems a strong statement but I believe it is true. The personnel in a training school must know the boy intimately in order to approach his problems intelligently. We believe that the offenses that he commits against society are in reality only signs of the underlying problems that must be overcome. We are much more interested in what there may be in a boy's emotional life that may cause him to steal than we are in just how much he has stolen. We want to know whether or not he has been rejected in his home; whether he is capable of competing with his brother in the home or with his classmates at school; *why* he started truanting; what his early training has been. The sooner we can get a clear picture of what has happened in the boy's life, the more intelligently we can approach and help the boy. It is therefore quite conceivable that were we to receive no information about the boy, it would take a number of months before we could pick up important parts of the puzzle that might be already known to the probation officer. A complete social history, reports from clinics on health and mental condition, description of the boy's adjustment in school as well as his grades, results of achievement tests and like materials are fully as important as the commitment papers that give the school custody.

#### *Reports While the Child Is in Care*

I do hope the communication line between the court and the training school has not to date seemed like a one way street. Being the administrator in a training school, I might err by pointing out things the court should do instead of indicating the school's responsibilities in the relationship. Reports while the child is in care of the institution are extremely important. Were the court generally and regularly to demand reports it might jar us to produce them, but we should function without the jar because both the court and the school profit from them.

By the time a child has been in a training school for six months the process of getting to know him should be well along and the school should have prepared a summary showing his adjustment, outlining his problems and the steps being taken to overcome them, and a report of progress to date which might give some indication as to the length of time necessary for the child to remain in training. Such a report forwarded to the committing court serves three very important functions: first, it keeps the court up-to-date in discussing the case with parents or others who may inquire; secondly, the report may indicate ways in which the probation department may aid the school in its program for the boy; and third, the report informs the court on the methods used by the school, and thereby makes for a closer relationship between the two cooperating agencies.

During the time the boy is in the training school, work should be done with the family in preparation for his return. The family may need to be shown the importance of offering the child real affection. Family situations that have created emotional disturbance in the life of the child may need to be explained. Perhaps a move to better quarters can be managed. Where it is practical the social service department of the training school should give leadership to this sort of work, but in many situations the help of the probation officer is wise and even essential because of his proximity, his knowledge of the family, or the dignity and authority of the court which he represents.

#### *The Use of the Court as a Supportive Treatment Agency*

The importance of reports to the courts and of a continuing cooperative relationship is emphasized further by the effectiveness of what I would call supportive treatment by the court during the training period. Many children in the training school reach an impasse in the treatment

procedure. They become discouraged, then antagonistic; sometimes they feel persecuted or mistreated and no one who is identified with the school can reach them. If something is not done from without, the training school may fail with the youngster and be forced to apply for transfer. An intermediate step is often very successful. The child is returned to the court for a review of his entire situation. In such instances the court enters into a supportive treatment procedure. With reports from the school at hand the court can "bring home" to the youngster points that he has failed to accept from institution workers. The court becomes a third party arbitration board. Following such treatment the child will in many cases return to the school and face his problems without the need of a petition for transfer.

#### *Parental Appeals*

If there is a close relationship between the court and the school very few appeals will be brought before the court to release the child in the middle of the training period. When an appeal is filed it should be the occasion for a searching conference and an understanding between the court and the school prior to a hearing. In some cases the school will favor a release and be glad to have the court make the decision because of group morale within the school. At times the training school may feel that a trial in the community would be wise but cannot justify placement on its own authority without upsetting many other boys within the program. A court decision will relieve this situation.

On the other hand, a court decision on appeal contrary to the recommendation of the training school may be dangerous as it will always tend to undermine morale within the school. It does after all imply a lack of confidence on the part of the court in the training school. It is a bit like removing a patient from the hospital con-

trary to advice of the attending physician. I believe that appeal is a proper tool of the court and should be used in cases of malpractice, but if the court has enough confidence to place boys in the program it should in most cases support the judgment of the school personnel who live daily with the youngster and have gained astute insight into his needs.

### *Aftercare*

When the child is placed from the institution there should again be a cooperative plan. No doubt in most sections the social service department of the training school will make the plan and follow it through, but the court should be cognizant of it and should be a participant. Where the training school cannot provide aftercare supervision either because of lack of personnel or distance of the home community from the school, some case working agency may be appointed by the court to help with supervision during the child's initial period back in the community. The court is again a supporting agency but the readjustment of the child is distinctly a case work job.



## Foster Homes for Aftercare

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SOME of you may be familiar with a study published by the Illinois Department of Public Welfare covering 150 cases of boys given foster home care following institutional treatment, from early 1933 to January 1, 1941. This report<sup>1</sup> reviewed the historical background of the program, its basic procedures and problems of home finding, and presented seventeen typical case record summaries. It also contained a statistical summary. I shall confine this discussion to the more novel aspects of the program.

### *How the Program Started*

Thirteen years ago Rodney H. Brandon, the director of the Illinois Department of Public Welfare, was concerned over what appeared to be the needless commitment to the Illinois Training School of many adolescent and pre-adolescent boys. He asked the advice of the school's advisory committee which returned two recommendations: first, that the program of interpretation be enlarged to make certain that local communities and courts exhaust every effort to screen out both dependent children and children with behavior problems amenable to local non-institutional treatment, and send for group treatment in the industrial school only those for whom such care was indicated; second, that a selected group of "declared delinquents" be treated in a specialized foster home program in lieu of institutional care.

<sup>1</sup>A. D. Kadoch and David Prichard *Foster Home Care for Delinquent Boys*  
Illinois Department of Public Welfare, Springfield 1941

The educational part of this recommendation was advanced chiefly through three departmental agencies. Clinical services of a diagnostic nature were made available to courts and agencies through the department's Institute for Juvenile Research which was available also for consultation in organizing and staffing local child guidance clinics.

The Delinquency Prevention Division, working with the County Judges Association and local groups, developed community councils which directed attention to local needs. The Division of Child Welfare demonstrated through cooperative programs what good local service could accomplish.

These efforts have not been consistently uniform nor always maintained. Failure to use available counsel or service and inability to finance programs due to low tax income of the local unit of government, have perhaps been the chief handicaps in the development of more adequate facilities for the treatment of juvenile and adolescent delinquents in the community.

It is interesting to note that bills are now pending in the Illinois General Assembly which if passed will provide state aid to counties in financing local foster home programs for neglected, dependent and delinquent children. The two million dollars requested would pay one-half of the direct costs of the county programs.

#### *Foster Home Placement Initiated*

It has been ten years now since the second recommendation of the advisory committee was implemented. At the start a salaried worker was loaned by the Institute for Juvenile Research; \$25,000 from the Governor's contingent fund was set aside as a "boarding fund" and a subcommittee on foster home placement was designated by the advisory group. Composed principally of specialists, this

committee advised the worker in charge on matters of policy and reviewed cases. Workers were added as needed in the expanding program. Since the third year we have had a supervisor and two or three field workers giving full time. The peak case load during the ten year period occurred in April 1939 when ninety boys were in foster homes.

The load has fluctuated considerably, depending on the nature of publicity on home finding, or on the rate at which boys were made available through the clinical process, or upon the size of the field staff, or a combination of such factors. As a result the per capita cost has varied although the indirect administrative costs have remained high and relatively constant. Currently the per capita cost will exceed \$600 per year even with the inclusion of those cases receiving relatively negligible amounts in direct financial aid. However this amount is much less than the current per capita cost of institutional care.

### *The Original Objective*

This program was originally conceived as treatment in lieu of institutional care. Many factors have continued to mitigate against the approximation of this goal. Until the last year and a half the placement in foster home care within three months after arriving at the institution has been the exception rather than the rule. Of the 150 placed during the first seven years of the program, only 10 per cent spent six months or less in the institution before placement, while 90 per cent had previously had a period of group treatment for from six months to two years. The augmentation of the social service program in the institution and the routine referral for clinical study and foster home consideration for all pre-adolescents immediately upon arrival at the institution, has finally resulted in many placements within the first two months of institutional

residence. In a later section I wish to discuss some of the factors which have prevented earlier extramural care.

### *Present Program and Policies*

As the Illinois program has evolved, we have found that the boarding fund program has met other needs in a very realistic manner. We can roughly classify the cases that are being served by the boarding fund into four categories as follows:

- 1) The first category includes all boys who are twelve years or younger at the time of arrival at the school. Each such boy is assigned immediately to a foster home worker who acts as his intramural counselor. After a period of observation which may be as short as three weeks, depending upon the results of the clinical study, placement is made in a foster home if other placement or further group treatment is not indicated. This is generally long term care with full maintenance.
- 2) The second category includes roughly a group of early adolescents who may need a period of treatment, long or short, in a group situation, and for whom no suitable extramural placement plan can be perfected with relatives or friends. Most of these boys are of school age and can profitably continue in school. These boys also are placed in foster homes on full support, including clothing, medical care and school expenses. This group however includes some boys who can neither profit from further schooling nor earn their own way. In such cases, the foster home may receive partial support while the boy is being further trained.
- 3) The third category includes the older adolescent who is ready for placing out from the group program into the community and for whom no suitable home can be secured among friends or relatives, or who needs supplemental help until he has suitable employment. One group in this



category is made up of recidivists with long standing records of delinquency for whom family and friends finally refuse further help even if capable of giving it. These are generally intensive supervision cases but require short term support. Most of these boys are at work supporting themselves before the end of the first month. In some cases it is only necessary to underwrite the initial support. Because of this saving the boarding fund provides for some special needs.

Another group in this category includes a very large number of older boys who are placed in what we might call semi-foster home situations. These boys go out to a known work situation either in industry or agriculture and receive at least a supporting income from the start. Earnings depend upon the boy's ability and the prevailing wage. Here again supervision is intensive at least during the early part of the placement period, and includes much counseling on the use of money. In this group are some of the most satisfactory placements. Boys from the first categories frequently graduate into this group. Unusual as it may seem, the feeling of being exploited by the employer or foster home is less common in boys in this group than in boys in the first two categories.

4) The final category is made up of boys who have been already placed with friends or relatives, but without financial aid. They may need emergency assistance in the absence of local agencies able or willing to help. A parolee may need glasses to pass a physical examination for a job. He may need clothing to continue in school. Frequently the kind of aid given fills a gap in the parolee's program which otherwise might result in a parole violation. Such help has been given routinely to the boy lucky enough to be in one of the first two categories. We eventually arrived at a policy through which all boys might be served by the boarding fund.

You will note that our program began with service prin-

cipally to those in the first two categories and with a few workers devoting time exclusively to this special case load in restricted geographical areas. The war emergency has added to the changes which have been evolved since the early days. To reduce travel, foster home field workers now handle all of the division's work in the area covered. The specialization in limited areas resulted in diminishing returns on efforts to find foster homes.

Boys in categories 3 and 4 needed help from the boarding fund. As a result of these conditions and improvement in standards for the field service, each of the workers has an undifferentiated case load. All sixteen of the men, four of whom specialize in foster home work, give service to all of the four categories plus regular juvenile parolees.

#### *Limitations on Selection of Cases*

During the first years of this program cases selected for foster home placement were young boys, hand picked as nearly as possible, to avoid any unusual risks which might jeopardize this experimental program. Intake policy was soon liberalized on the basis of need for such service, need meaning the unavailability of any other suitable extramural program.

One school of thought suggests that most young delinquents can be cared for in foster homes if we are willing to pay enough. This school points out that such liberal payments would still cost less per capita than institutional care. Commendable as this philosophy is, it is unrealistic when applied to *all* problem children. Good clinical procedures frequently reveal problems which can best be met in a good group program. Simon and Dunaeff<sup>1</sup> have described several categories of such cases. However, we

<sup>1</sup>Abraham L. Simon and Dorothy Dunaeff "Differential Levels in the Institutional Treatment of the Juvenile Delinquent" *Social Defenses Against Crime* Yearbook National Probation Association 1942 p. 149

seldom have a choice between the unusual foster home that might successfully cope with the most difficult child on the one hand, and the ideal group treatment program on the other.

Many have questioned the suitability of the typical foster home situation for the delinquent adolescent. In Illinois practice few adolescents have received foster home care in lieu of a period of institutional care. The majority of such placements have been made after a period of reorientation in the group program. Our experience confirms the opinion that foster home placement for adolescents is more difficult than for children although we have many case stories showing successful readjustment of these older boys in foster homes. One of these is now a junior in college.

A Children's Bureau study of 1935<sup>1</sup> indicated that attempts to improve home situations, though often unproductive, may be more desirable than "trying to develop to any great extent the use of boarding or foster home care for juvenile parolees."

Dr. Julia Deming<sup>2</sup> appropriately distinguishes the problems of adolescence from those of childhood. She has reappraised the benefits and suitability of good group treatment for the problem adolescent. The young child needs home and family life. But "the adolescent should have passed beyond this stage, and the needs of his ego and libido development are better met by well-planned, well-organized group life."

Psychiatric treatment, Dr. Deming believes, is often simplified in a group situation. The institution offers a wider opportunity for the adolescent to find an adult with whom he can identify, and more individuals to bear the

<sup>1</sup>Alida C. Bowler and Ruth S. Bloodgood *Institutional Treatment of Delinquent Boys, Part I* Government Printing Office, Washington, D. C. 1935 p. 285

<sup>2</sup>Julia Deming "Group Placement of Adolescents" *Mental Hygiene* October 1942

brunt of his aggression. Group life is more impersonal, permitting natural breaking away from dependence on the love and approval of parents.

These general principles are well taken when related to a good group program. However, through clinical procedures we still try to find as early as possible that individual adolescent who needs and can profit from foster home care.

A second factor limiting placement in foster homes is the frequent hesitancy of the boy and at least one of his parents to accept a foster home plan. Such hesitancy means foredoomed failure. Therefore much time must be spent in interpreting the foster home idea. Yet even with this aid emotional factors and desirable loyalties frequently preclude acceptance of a foster home on the part of both parent and child. Institutional care and eventual return to the home is the only acceptable alternative.

#### *Criteria for Prognosis*

Dr. Carl Rogers discussed the foster home in *The Clinical Treatment of the Problem Child*.<sup>1</sup> He listed criteria for prognosis and described favorable, intermediate and unfavorable factors. Practically all of the wards considered for placement in our foster home program, if rated on his scale, would show an unfavorable prognosis.

Most of our wards have confirmed behavior difficulties; they are beyond thirteen years of age; organic or other instabilities are frequent; strong affection for and loyalty to a parent and desire to return home are very common. These items appear among Rogers' six categories of factors which indicate an unfavorable outcome for placement. They are in reality an indication of the nature of the service

<sup>1</sup>Carl R. Rogers *The Clinical Treatment of the Problem Child* Houghton Mifflin, Boston 1939 See especially chapter IV, "The Foster Home as a Means of Treatment."

needed in each specific case if a favorable outcome is to be expected. The program therefore must encompass the broadest aspects of preparation of the boy for the particular foster home and preparation of the home and community for the particular boy.

### *Solving the Problem of Home Finding*

Finding foster homes for delinquent children and youths requires a constant campaign. All child caring agencies have the same difficulties in finding a sufficient number of homes for average children. How much more difficult it is to find homes for children having the label "delinquent," especially when the institution from which they come has had wide and critical newspaper publicity.

We have found that the best source of new homes is the friends of successful foster parents. Another method of prospecting is through newspaper advertisements. A worker inserts in a local weekly paper a notice such as the following:

WANTED—Homes for boys, ages 10 to 16. Will pay \$20 per month, furnish clothing, pay other expenses. Write Mr. M., Rt. 2, LaSalle, Illinois. Give directions for reaching home.

While some unacceptable applicants reply to such ads, these can be discarded. But in a new territory the ad supplemented by a press release secures the most likely prospects.

When a prospective home is found, two visits supplemented with literature are desirable before making final decision. I shall not go into the details of investigating and reporting on the home, but a carefully worked out procedure, with form letters for reference, has been evolved, including health reports on all adult members of the household. These examinations include chest x-rays and blood tests given without cost to the foster parents.

### *Guidance for Foster Parents*

Preparation of the foster parents for their new charge begins with the first visit. A handbook<sup>1</sup> prepared out of the experience of these special workers is now available. The handbook treats such topics as: selecting a boy for you; the licensing of foster homes; payment of board; provision for clothing and incidentals; what to do in case of illness; a discussion of the common needs of childhood.

Common mistakes parents and foster parents frequently make in dealing with adolescents are illustrated.

### *Children in Foster Homes*

Russell, a pre-adolescent not quite eleven years old, arrived at the Illinois State Training School for Boys on May 30, 1942. By October first he was in a foster home in a new neighborhood where he is today a happy and contented boy making an excellent adjustment at home, at school and in the community. Only a year ago he was a problem at each of these points.

His history indicates that some adjustments might have been made earlier had there been adequate study and guidance for the boy. Russell was one of two boys living at home with five sisters ranging in age from six months to sixteen years. The father had an income of \$80 per month; the rent was \$5 for the three rear rooms of a house. The family of Russell's partner in misconduct occupied the three front rooms of this house which was modern only as to electricity. The rat-infested and poorly kept house was two blocks from the downtown business section of an Illinois river town of 7000.

Russell and his older brother had been accused of taking pop bottles from a man and attempting to sell them back, eighteen months before his commitment. Everyone in town knew that a year before, he and two other ten year olds took a four year old girl to a neighborhood garage where they removed her clothes and attempted sex play. Russell, with his pal from the front of the house, was finally charged with

<sup>1</sup>David Prichard *Some Suggestions for Prospective Foster Parents* Illinois Department of Public Welfare, Springfield 1943

entering a house and taking two purses containing \$270. Commitment followed.

He was doing good work in the sixth grade, his conduct fair to poor. His teacher stated that children disliked Russell for his rudeness, but that he was contented at school and showed some pride when he was able to do acceptable work.

He had developed the habit of talking back to his hard-of-hearing mother (mother of eight children at thirty-two). Russell's mother seemed undisturbed over the boy's removal to the training school. She hoped it would do him some good but expressed doubt. When a foster home placement was suggested she not only assented but cooperated in finding the foster home. She heard of a minister's widow, Mrs. E., who had helped raise at least two boys. She made a trip to Mrs. E.'s home and then recommended it for Russell.

A careful investigation revealed that Mrs. E., though sixty, owned and operated a farm with the assistance of a hired man; that she had raised two foster boys in addition to her daughters, now grown. While not a normal foster home, it was decided that Russell should have a trial there. He has now completed six months with Mrs. E.

The following is taken from her letter of December 17, 1942, to the field worker:

Russell is getting along fine in school. He has never missed a day of school and is learning fast. He surely is the happiest little boy I ever saw. He will even sing and whistle after he goes to bed and will call "good night Mrs. E." a dozen times before he goes to sleep. He weighs eleven pounds more than when he came here two months ago so I guess my food is good for him.

He is learning to milk and get all the cows in the stanchions by himself. He is anxious to learn. I have not given him the package you left him. I am sure it is something nice. I will save it for Christmas. He received a pretty box from his sister and she didn't want me to give it to him until Xmas. He came home from school tonite and said, "Mrs. E. I never had as good a time in my life as I am having. The teacher plays a French harp. I do the calling, the kids square dance." I know he can call for a dance for I heard him practicing. I sure laughed. All they do is practice for

the Christmas entertainment and have fun. Russell is the Santa Clause.

I sure thank you for the gift you left Russell. I ask God every day to help me that I may make a fine man out of this little boy. . . .

### *A Handicapped Adolescent*

Frank, a fourteen year old deaf mute, was received at the training school in December 1940 as incorrigible. He had attended the State School for the Deaf from the age of six until the June previous to his commitment. Summer vacations were spent with his parents and their other five children. The last summer he was sent home early because he refused to obey anyone and caused constant turmoil in the dormitory and classroom. The father had died a year earlier, the mother was unable to cope with the boy and knew nothing of sign language. Frank ran away and hitchhiked to the school to see his friends. He fought with the other children and was eventually committed to the training school.

Frank admitted in his first interview that he fought with his teachers, had trouble with his brothers and sisters and was whipped by his parents; that he had stolen small amounts of money from home. His resentment and evasiveness in the first interview with the psychiatrist seemed out of keeping with the situation. He was unhappy in the cottage and made no attempts to make himself understood by writing. Fortunately, one employee knew the sign language and another inmate eventually became proficient in it and more or less a pal to Frank.

Efforts to make placement plans were initiated after six months but Frank had spent eighteen months in the group program before a tentative plan was completed. He had developed somewhat socially, had made some progress in the shoeshop and general shop. But his IQ was only eighty and his achievements correspondingly limited. Teachers of special public school classes for the deaf said further special class work was not indicated for one of Frank's limited intelligence.

A home and employment in a shoe repair shop were found for Frank in a small town in southern Illinois. He was taken there by the field worker who remained for a day and a half to help him get started. He met two people who



could speak his sign language. On the morning of his sixth day Frank hitchhiked one hundred miles to his mother's home after refusing to work for his employer. Then followed six weeks in the mother's home as a temporary measure under a second field worker.

Just as the second worker had completed plans in an excellent foster home situation Frank went on a second rampage. Disgruntled because his mother and sister disturbed his sleep at 10:00 a.m. while cleaning house, he struck not only both of them, but also a neighbor who was called in to quiet him. The man called the sheriff who took him in custody.

Frank has been in his new foster home eight months. The foster father, Jesse, is a deaf mute. I shall again quote from letters rather than from progress notes. On August second, five days after Frank was placed, the foster mother wrote in part as follows:

I am writing you a few lines in regard to Frankie. We are getting along swell with him. Sunday afternoon we drove to Oakland and visited with Mr. and Mrs. R. Frankie enjoyed himself very much. There was another deaf mute there. We came home about 11:30. This morning Frank cut the grass for Jesse. He did a swell job. Frank is talking more with Jesse. He understands the sign language better.

We will do the best we can by Frank. It is going to be a big responsibility with no better education than he has.

I would like to take Frank out to the fair about Thursday night. Frank says he likes it fine here and he says he likes Jesse. We will try and take him to the deaf picnic Sunday, if Jesse isn't too busy at the shop.

Six months later she wrote:

In regard to Frank, I have wanted to review his improvements since he has been with us. We have had a few disappointments with him. But thank God, I have always found when we wanted to talk with him in a kind way and show him we were much interested in him and we were only trying to love him and help him to make the best of life, he was always glad to

ask forgiveness and showed us he was very sorry and promised to do better. Lots of kindness and love showed him we were interested in him.

I shall never forget how lonely he looked the first time you brought him to our house, and poor boy he had forgotten so many words in the sign language until he could hardly talk with my husband. But my husband has taken quite an interest in him and has taught him many signs, until now they can talk much better and Frank seems to like to learn.

A few weeks ago Frank and I were at an ice cream parlor. The manager asked me if he was my husband's brother. I explained and he offered to give him a trial at a job a few hours each day washing dishes. So Frank took the job and each week he is improving and likes his work fine. I talked with the manager last week and he says Frank is doing fine. Frank is so happy. He takes so much more interest in himself. He gets his hair cut every week and he is so proud of the Christmas gift you gave him.


He is so good to help. Anything I ask him to do he never refuses. I always ask him in a kind way then I show him I appreciate it.

At first Frank was afraid of you, now at the mention of your name he smiles. He regards you as a friend. He has a natural wave in his hair now. He is a very nice looking boy in his suit and new hat the Welfare Department got him Christmas. He is sure proud of them. So many people tell me how nice looking he is and what a nice boy he is, I am sure proud of him myself.

I am enclosing some pictures of him. I am sure you will note the change in his looks. I can't realize he is the same boy that he was five months ago. I can't express how thankful I am that I gave him a home.

Frank is now over sixteen. Before another six months passes we expect that he will be nearly self-supporting. He will still have a place that he can call home.

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## Children in Jail

ROY CASEY

*Inspector, Federal Bureau of Prisons*

DETENTION of delinquent children while awaiting trial, hearing or investigation of their cases presents a very difficult and perplexing problem to any and all officials. How and where he is kept is also of great concern to the child himself, probably of greater concern than he realizes. Arrest, investigation and conviction of juveniles charged with law violations are generally in the hands of persons not only untrained in the procedure of handling such cases in the proper and approved manner, but too frequently unsympathetic and without an intelligent understanding of the many complex factors involved. This of course is not true in those cities and counties which have developed the proper kind of program to handle juvenile dependency and delinquency, but such city and county setups are the rare exceptions in the country as a whole. Consequently we have innumerable instances of children in jail.

The professional workers in the field of juvenile delinquency must first of all be realists and not merely theorists, mainly because the two classes of individuals they work with are realists. Both the child charged with a law violation and the officer who made the arrest are always face to face with a concrete, definite and urgent matter, and the intelligent social worker and juvenile probation officer should definitely recognize this and make their approach from such a viewpoint. First of all, the child's present and future welfare is paramount, and it follows that what is best for him is also for the best interest of society. Consequently whims, prejudice, and frequently vindictiveness on

the part of police officers and prosecuting attorneys, as well as the highly theoretical and impractical approach of many social workers, must be subordinated.

There are no reliable statistics available as to how many children pass through our 3000 or more county jails and more than 10,000 town and city police lockups each year, but from the number reported to the Federal Bureau of Prisons by its jail inspectors in their twelve hundred or more jail inspections each year, the total detention cases of children in jail probably runs into *tens of thousands*. The unfitness of the vast majority of city and county jails for the incarceration of adults should be well known by this time to every informed person working in the field of delinquency and crime control and prevention, but there is abundant evidence that such is not the case. If then these jails are unfit for adults from every standard held by modern penology, what can be said of them as places to confine first offenders, and girls and boys of the lower teen ages? Simply this, that *society is committing a crime not only against these children but also against itself in permitting this deplorable situation to continue*. We who know, or should know these things are derelict in our duty as workers and citizens when we fail to exert every possible effort and influence toward improving and changing this unwholesome situation. It is the purpose of this paper to emphasize the dangers involved and to suggest a course of action as well as a feasible program to correct the evils of our city and county jail system in America, especially as it pertains to juvenile offenders.

As has been stated previously, we must be realists in these matters and get both feet set firmly on the ground by informing ourselves as to the facts and problems involved before undertaking in too critical a way the jail reform program needed. Some would abolish the jail altogether without giving intelligent thought as to what should take its place. So long as there is delinquency and crime, just

that long our peace officers who render society a great service, must have within their jurisdictions some place of detention for those law violators of all ages who must be held in custody until time of hearing or trial. This being true, the total number of jails for detention purposes can hardly be decreased. The Federal Bureau of Prisons and the National Jail Association, as well as many socially minded individuals, are working on a long range program in our city and county jail setup as it pertains to prisoners under sentence for misdemeanor offenses, but they recognize the necessity of having local jails for detention of persons awaiting trial or hearing. It is therefore our duty to inaugurate an effective program of improvement and reform in our jail system to the end that jails will cease to be breeders of crime, perversion and disease as well as places of filth and semi-starvation. Unfortunately in the vast majority of our cities and counties in every state of the Union both citizens and officials are either ignorant or complacent about these conditions so far as adult offenders are concerned, and only a few forward looking and progressive communities are showing any intelligent interest in the matter as it touches on juvenile delinquency. Again statistics are lacking on the number of communities which have provided detention homes or foster home care for delinquent children, but such cities and counties are few even though the statutes of most states call for proper segregation of juveniles while in custody.

#### *Children Seen in Jail*

Without going into a detailed description of the jail involved, although it happens to be the best jail in the state, let me tell the story of some children in jail. Because of the bad laws on the statute books, the jail might have been any one of the sixty or seventy county jails condemned by the Federal Bureau of Prisons in that state, but in this

particular instance it was not. This state prides itself on being one of the most progressive in the Union, and to describe the city as anything less than the world's greatest would be to offend it. The jail had on the day of inspection twenty children, seventeen years of age and younger. Although the city and county maintain a juvenile detention home, it was with the full knowledge and consent of the courts, the juvenile agencies and officers that these juveniles were in the county jail. Among them was a sixteen year old boy who had been given two sentences of one year each to run consecutively for the offense of larceny. Another boy was in the same cell block awaiting transfer to the state penitentiary. He was only fifteen years of age and his commitment papers indicated that he had once been an inmate in the state institution for the feeble-minded. His offense was burglary and larceny without deadly weapons, yet he was being sent to a penitentiary notoriously known throughout the land for the desperate and hardened criminals and perverts among its inmates, and the child's three sentences read, one to ten years, one to twenty-five years, and one year to life! Can you imagine that in this enlightened twentieth century in one of our northern states? And he was a Negro boy! Incidentally these cases were observed on the very day the invitation was received to prepare and read this paper on the subject of children in jails. My duties as federal prison inspector have taken me into most of the county jails in about half of our states and except for the severity of the life sentence of this fifteen year old boy for burglary, similar instances of children in jail could be recited by the score.

Another instance or two comes to mind. During recent months assignments have taken me on two occasions into the county jail in the capital city of one of our northern states. Within five blocks of a beautiful monument to the Great Emancipator is the county jail, an institution which, measured by any standard of sanitation and decency, would

disgrace the most backward community in Christendom. The jail has no quarters for the segregation of juveniles yet the state law permits their being confined there, nor is there any intelligent classification or segregation of adults. At the time of my last inspection the jail held four children somewhere within the dark and filthy cells of its vermin-infested cell blocks, along with criminals, vags, sex perverts and the insane. The officials spoke of how they were handicapped by not having segregation quarters for juveniles, but it did not appear that they were greatly concerned over the matter and had considered it only a minor thing to have to put fifteen, sixteen and seventeen year old boys with hardened criminals and perverts. They laughingly recited the details of how sodomy was practiced on one of the fat boys and the discomfort he experienced from lacerations. The only explanation given by the official was, "There wasn't much I could do about it, but put the boy into another cell block and hope he fares better."

On another occasion several months ago I was again in the capital city of one of our northwestern states. The population of the state and the county is small and their limited jail capacity is badly taxed at present due to the increased number of arrests resulting from the presence of a large army camp nearby. The jail has only four tiers for males and two for females and no segregation quarters for juveniles at all. On the day of my inspection there were five fifteen and sixteen year old boys in the jail, two being confined in one section with adults and one each in the other three tiers. A case of smallpox had broken out in the jail several weeks before and the quarantine had been lifted only a few days prior to my visit, but the quarantine had been in effect against release of inmates and not commitments. New commitments had been made right along, including one or two of the children. Vaccination had been enforced of course, and fortunately there was no spread of the disease. Although it was the first state in

the Union to provide for woman suffrage, to this day it has no law on its statute books forbidding the mixing of juvenile and adult prisoners in jail, nor has any county within the state provided a detention home for juvenile delinquents!

At this point it should be made clear that while we cannot be too severe in our criticism and condemnation of jail officials who are responsible for such deplorable conditions as insanitation and filth, laxity and special privileges, harsh treatment of inmates, improper discipline, faulty management, sloppy and inadequate food, we must hold someone else responsible for continuing such officials in office, for the failure to provide adequate buildings and equipment to meet the needs of proper segregation and decent living standards, and for keeping on our statute books archaic laws which permit such things to exist. That somebody is you and I, the voters and taxpayers of America. Every citizen of every community must share the blame for the condition of his city and county jail, and until public-minded groups in every city and county and state of the nation organize to inform themselves and the public as to one of the principal contributing causes of crime and delinquency, such conditions as here described and many much worse, will continue.

### *Responsibility for Correction*

Now what can be started in the way of an intelligent and feasible program to correct these abuses? First, we must recognize the fact that dangerous criminals, irresponsible persons concerning whom there is no reasonable doubt as to guilt and who cannot make bond, as well as obstreperous and escape-minded juvenile offenders, must be held in safe custody until such time as they are properly released by a magistrate of competent jurisdiction. None of us would advocate the promiscuous release of every boy



and girl under investigation or awaiting trial for a serious law violation, and public opinion would rightly condemn the law enforcement officers who followed such a practice. Consequently we must admit the necessity of confining in suitable places of detention a certain per cent of juvenile law breakers. What and where such places should be is the problem confronting us.

A few progressive cities and counties throughout the country have made provision for good detention quarters, but the vast majority have not or have taken only halfway measures. As a result arresting officers have no other recourse, it appears, than to put these children in the city or county jail regardless of the situation and condition of the place. When, as in many instances, the jail is unfit to house the hardened criminal or the most abandoned vag or bum, irreparable damage will be done the boy or girl placed in such a jail even over night. But what is the officer going to do? The offender must be held despite the fact that the community has provided no decent place in which to hold him. Consequently into the jail he goes to stay a day, a week, a month, or as has been seen in the instances mentioned, two long years! This situation and these conditions are going to continue just so long as members of your Association and other social service organizations neglect your duty and your opportunity to aid in the nationwide jail improvement program. Even though my work has taken me into most of the county jails in about half of our states, I have found only one social service organization that has attempted anything along this line. That one is the Missouri Welfare League. It has a committee on jails which has made a good start in the study of jail conditions in the state of Missouri. Although their road has been a difficult one, they have several worthwhile accomplishments to their credit.

It seems to me that all social agencies working in the field of delinquency and crime prevention should have

committees or research sections for the study of jails and jail conditions as they pertain to the work and problems of their agencies. Such committees could do a mighty work and wield an almost irresistible influence if they would undertake a feasible program and cooperate with each other and with the efforts now being promoted by the National Jail Association. Any program along these lines will also have the wholehearted cooperation of the Federal Bureau of Prisons.

## VII PSYCHIATRIC STUDIES, JUVENILE AND ADULT



### The Defective Delinquent A Definition and a Prognosis <sup>1</sup>

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THE term "defective delinquent" has been variously defined. In general, all the definitions stress the factors of mental subnormality and habitual delinquency. The definition used by the Philadelphia juvenile court may be cited as an example: "One who is mentally defective, a chronic delinquent, lacking in ability to conform and who will be difficult to control even in an institution."

Many years ago Dr. Fernald pointed out the disrupting effect which even a small number of defective delinquents created when committed to an institution for the feeble-minded. Not only were they uncontrollable and unable to adjust to the life in the institution, but because of their behavior they also prevented the other mentally deficient children from making normal adjustments.

The question naturally arises, in what way does the defective delinquent differ on the one hand from the non-delinquent defective and on the other hand from the

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non-defective delinquent? Furthermore, does the defective delinquent constitute a distinct entity physically, intellectually, characterologically, and behavioristically? And if so, is the condition dependent upon specific endogenous and exogenous factors? The present study is an attempt to answer these questions.

Fifty problem children who had been studied at the Child Guidance Home and who were found to be defective delinquents were analyzed from the standpoint of their physical constitutions, intellectual status, emotional development, personality traits, and their success or failure to make satisfactory adjustments to life situations. The results of this analysis were contrasted with similar findings in two control groups. One control group consisted of 25 non-defective delinquent children, and the other control group consisted of 25 non-delinquent defective children.

Since the children lived at the home for a period varying from three to six weeks, opportunity was afforded to make intensive physical examinations as well as thorough analyses of their mental and emotional characteristics. Each child, on admission as well as on discharge, was checked on a personality chart evolved at the Child Guidance Home. In addition, many of the standard psychological and personality tests were used. Primarily, however, the evaluation of the child's personality was made by members of the staff as a result of personal interviews with the child and from observations of his general behavior, especially his reactions to the other children.

The careers of the children have been closely followed for varying lengths of time ranging from two to twenty years, and their adjustments or non-adjustments noted. The criteria used for determining the success or failure of a case were twofold. The first criterion was from the standpoint of the modification or disappearance of the behavior

difficulty. The second criterion was from the standpoint of the agency or community, namely, that the social situation had been so modified that the child presented no further problem either to the agency or to the community at large.

The age range in the group of defective delinquents was from 3 to 20 years. In the non-delinquent defective group, the ages ranged from 6 to 17 years, while in the non-defective delinquents, the age ranges were from 7 to 20 years. The ratio of boys to girls was practically the same in all three groups, namely, three to two. This is approximately the same as the ratio of boys to girls in general admissions to the Child Guidance Home.

#### *Types of Problems*

For the sake of simplicity the reasons for referral were divided into five groups:

- 1 General Behavior Problems
  - a Immoral
  - b Antisocial
  - c Abnormal
- 2 School Problems
  - a Behavioral
  - b Academic
- 3 Determination of Intellectual Status
- 4 Problems of Placement
- 5 Nervous Disorders

Of the 50 children in the group of the defective delinquents, 38 were referred because of general behavior problems, 5 because of school problems, 2 for determination of intellectual status, 1 because of a problem of placement, and 4 because of nervous disorders. Of the 38 children admitted because of general behavior problems, 12 presented various types of immoral behavior, 24 antisocial behavior, and 2 abnormal behavior. Of the 5 children referred because of

school problems, the problem in 4 centered around behavioral disorders, and in only 1 around academic difficulties. The distribution in the different referral groups according to sex was approximately the same as in the group as a whole, 3 boys to 2 girls. The single exception was in the group showing immoral types of behavior, where the distribution was definitely reversed, there being 9 girls and only 3 boys.

In the non-delinquent defective group which consisted of 25 children, 10 were referred because of general behavior problems, 5 because of academic school problems (none was referred because of behavioral problems in school), 5 were referred for determination of intellectual status, 1 for placement, and 4 because of nervous disorders.

Of the 25 children composing the non-defective delinquent group, 24 were referred because of general behavior problems, and 1 because of a behavioral school problem. Seventeen out of the 24 who were referred for general behavior problems were admitted because of antisocial behavior, 5 because of immoral behavior, and 2 because of abnormal behavior. It should be noted that 4 out of the 5 children admitted because of immoral behavior were girls. Here as in the defective delinquent group, the ratio of boys to girls was reversed.

#### *Environmental Factors*

A detailed analysis of the pertinent exogenous and endogenous factors in these cases was made. The exogenous or environmental factors were divided into two broad groups, home and neighborhood. The home factors were further subdivided into (a) medical and (b) socio-psychological.

In the group of defective delinquents, as well as in both control groups, the home factors outweighed the neighborhood factors in a ratio of approximately 4 to 1. Of

the home factors, the socio-psychological factors outweighed the medical factors 3 to 1 in the group of the defective delinquents and the non-defective delinquents, while in the non-delinquent defectives this ratio was approximately 3 to 2.

Outstanding among the pertinent socio-psychological factors in the home in the case of the defective delinquents were the voluntarily broken homes, improper physical conditions, low moral and ethical standards, unwholesome personal and interpersonal family relationships, and un-understanding parents. All these factors were only of minor importance in the non-delinquent defectives. Especially striking was the fact that in this latter group the family relationships appeared to be much better and the incidence of non-understanding parents much lower. The non-defective delinquents presented approximately the same picture so far as the socio-psychological home factors were concerned as the defective delinquent group.

The financial status of the non-delinquent defective group was slightly better than that of the other two groups. In general though, the economic status of the families of all these groups of children played a relatively minor role in their problems as compared with the other exogenous factors.

The outstanding medical factor in the homes of the defective delinquents was intellectual retardation in the parents and siblings which was present in 80 per cent of the cases. Next in frequency were psychiatric and psychoneurotic states (72 per cent) and general physical illness (62 per cent). The outstanding medical factors in the non-delinquent defective group on the other hand were psychiatric and psychoneurotic states (48 per cent), followed by general physical illness (40 per cent) and intellectual retardation (32 per cent). In the non-defective delinquent group the outstanding medical factors were psychiatric and psychoneurotic states (84 per cent), followed by general

physical illness (52 per cent). Intellectual retardation as well as hereditary stigmata composed only a very small percentage of the medical factors in this latter group.

Of the neighborhood factors, the relative influence of the gang in the three groups was very striking. Sixty-four per cent of the non-defective delinquent children were members of gangs. This compares with 32 per cent for the defective delinquent group of children and with 4 per cent for the non-delinquent defective group.

The work history of the three groups gave the following results: In the non-defective delinquent group the percentage was 44, in the defective delinquent group the percentage was 28, and in the non-delinquent defective group the percentage was 12.

#### *Personality Factors*

The endogenous factors were divided into 1) medical, 2) psychological, and 3) psychiatric. More physical defects (including neurological and endocrine) were found among the non-delinquent defectives and the non-defective delinquents than among the defective delinquents. While these medical findings had no bearing on the diagnosis, they were sufficiently important to warrant recommendation for correction.

In the group of defective delinquents the intelligence quotients of the children ranged from 58 to 79, with the greatest incidence between 70 and 79. In the non-delinquent defective group the intelligence quotients ranged from 40 to 79, the majority being between 40 and 69. It is interesting to note that in 80 per cent of the defective delinquents the intellectual retardation was on a hereditary basis while this was true in only 32 per cent of the non-delinquent defectives. In the non-defective delinquent group the intelligence quotients ranged from 90 to 139, the majority being between 90



and 110. There was very little scatter noted on the psychometric tests, the results in general showing a solid performance in all three groups.

According to the personality charts evolved at the Child Guidance Home it was found that the defective delinquent and the non-defective delinquent showed in general the same personality traits. The children of both groups were found to be suspicious, phlegmatic, depressed, egocentric and selfish. They were also found to have violent tempers, to be obstinate, unimpressionable and intellectually dishonest. In addition, they were markedly unstable emotionally as well as highly unreliable.

The children of the non-delinquent defective group on the other hand were found to be trustful, non-egocentric, generous and possessed of placid tempers. They were tractable, impressionable, and stable emotionally, although immature. They were also found to be very reliable. However, the defective delinquents and the non-delinquent defectives were found to be alike in that both were imitative and definite followers, lacking in qualities of leadership, while the non-defective delinquents showed originality, initiative and a high degree of leadership. The defective delinquents in marked contrast to the non-delinquent defectives and the non-defective delinquents, showed definite lack of ability to concentrate and definite lack of self-control.

Further evaluations of the child's personality based on observation of his reactions while at the Child Guidance Home and the results of various standard psychological and personality tests, were illuminating. The defective delinquent children made a poor adjustment at the home. They all resented authority, were undisciplined, underhanded and untruthful. They insisted on having their own way and it was impossible to reason with them. They became resentful and impertinent when thwarted. They violated

the rules of the home constantly, and most of them were caught lying and stealing. They were cruel to the other children and as a group were not well liked. They were always on the defensive and many of them expressed paranoid ideas. All of them showed feelings of insecurity regarding their physical condition as well as their future. Most of the boys were inveterate smokers, while most all of the girls were sex delinquents. Their conduct could be described as non-constructive and ineffectual and the patterns of their behavior as antisocial and paranoid.

In contrast, the group of the non-delinquent defectives made a good adjustment at the home. All these children were tractable, they had pleasing personalities and were easily controlled, although at the same time they were fearful, quiet, and extremely timid. In all of them however, marked feelings of inferiority and insecurity were present. They appeared to be sluggish both physically and mentally, and showed no initiative whatsoever. Their general behavior was immature, and most of them showed the effects of overprotection by their parents. They were easily discouraged, but responded well to reassurance.

The non-defective delinquent children made a good first impression but their adjustment deteriorated markedly as soon as they became better acquainted with their new surroundings. Their behavior was erratic and they all showed a non-constructive leadership. At first they gave the impression of having an engaging personality and of being tractable. They all had the ability to talk themselves out of unpleasant situations, and always succeeded in obtaining another chance. They were aggressive, impulsive, and domineering. However, it was evident that their aggressive behavior represented a compensatory mechanism which they used to conceal their innate feelings of inferiority and insecurity. Strangely enough these feelings did not relate to

their physical symptoms but only to their social welfare. They were very restless and suspicious. They appeared to cooperate but this was more apparent than real. They were difficult to manage, showed marked resentment toward authority, and appeared to be emotionally immature and unstable. They were all slovenly in their personal habits and lied and stole. They became impertinent and smart-alecky when not permitted to have their own way.

### *Interview Findings*

From the material which was obtained through personal interviews it was found that the majority of the defective delinquents had some insight into their condition and were conscious of their limited abilities. The boys admitted being crooks but they seldom called themselves thieves, making a sharp differentiation between the two. According to them, a crook was "not put away." They had few or no moral and ethical concepts. They felt that it was wrong to steal only if you were caught. From their statements it was evident that in their behavior all of them reflected the attitude of the parents and the mores of their homes. This was especially true of their attitude toward their sex delinquencies. They evidenced a blind loyalty toward their families as a whole, but there was no real affection toward any member—on the contrary, they nearly always showed marked hatred for some one member, usually a parent. They were blindly protective of their families no matter what the situation was at home. This despite the fact that from their description of the home it was one in which the atmosphere was full of dissension, quarreling and bickering and marital difficulties openly discussed. They were often forced to take sides during these controversies. All felt that they were discriminated against by the members of the family group. As a rule they showed marked indifference toward the other

siblings. These children accepted physical neglect and lack of supervision as a matter of course. They expressed definite paranoid ideas. All felt that the world was against them and as a consequence they were determined to get even. They particularly threatened anyone who would put them away. They expressed concern regarding personal physical ailments to a marked degree. They also exhibited great anxiety about their future. They dreaded incarceration more than anything. In general, their hopes for the future were naive and vague. They wanted to be doctors, aviators, and finally ended by saying that they would like to have any kind of a job they could fill. Most of them said that they did not dream; however, when a dream was noted, it represented either the fulfilment of some material desire or the expression of a marked feeling of insecurity. Most of them expressed the wish that their mothers and fathers would like them better. They also wished for better clothes, for more money to spend on candy, and for little luxuries, thus showing how markedly deprived they had been.

The non-delinquent defective children on the other hand, expressed no paranoid ideas and were not resentful of any authority; in fact, they were grateful for supervision and admitted that they needed their parents to guide them. They showed real affection for all the members of their families and were willing to have their parents make decisions for them. They had more insight into their condition than the defective delinquents, with resultant greater feelings of insecurity and inferiority. They admitted that they were entirely dependent upon their parents and felt extremely insecure when they were away from them. They described their homes as happy, cheerful and harmonious; homes in which they had a definite place. Their ambitions were usually the same as those of some member of the family. If for instance an older sister was a telephone operator, the

patient also wanted to become a telephone operator, or if the father was a bus driver, the boy likewise wanted to be one. Their wishes as a rule were very simple and consisted mostly of desires for material things such as an automobile or pretty clothes. Their inner life as reflected in their dreams showed their marked feelings of insecurity and inferiority. They usually were killed by ghosts or devils or chased and frightened by the bogeyman.

The children in the non-defective delinquent group expressed fewer paranoid ideas than the children in the defective delinquent group. They also had more insight and reasoning power. They admitted their delinquencies and were proud of them. For the most part, they accepted the blame for their antisocial behavior but stated that they craved the excitement resulting from their escapades. They also said that they were easily bored and hence required frequent changes of activities and interests. They realized that they had engaging personalities and admitted using these to attain their selfish ends. They experienced a marked feeling of satisfaction and security from dominating others. They did not blame the world for their difficulties and realized that punishment was the rightful consequence of their delinquencies. Hence only a few of them expressed a desire to get even with those in authority. They possessed little family loyalty and expressed hostility against some members of the family, usually a parent. Family solidarity was not present in the home, individual members attempting to dominate the situation. The children resented greatly the lack of understanding on the part of their parents of their needs and aspirations and difficulties. They all felt that they were treated like little children, their parents refusing to recognize their desire for emotional and social independence. The craving for excitement apparently also accounted for the sex delinquencies. The majority of these

children wanted to be gentlemen crooks or hoboes, again showing their need for excitement and their desire to direct their own lives. They all wanted to have more money to spend, to travel, and to be stronger and bigger than they were. Their dreams also revealed their feelings of insecurity and inferiority, being concerned principally with acts of violence during which they were killed.

### *Test Results*

All the children were not given the Rorschach test. The following are examples of the test's results in the three groups:

The predominant finding in the case of the non-defective delinquent was a high incidence of Dr responses.<sup>1</sup> Taken into consideration with the entire record it seemed to indicate a pathological consideration of non-essentials and lack of practical ability. There was evidence of great anxiety and much personality conflict.

The record of the non-delinquent defective was that of a child of dull mentality with a dearth of imagination and affectivity, who is attracted by the irrelevant and unessential. The entire picture was that of a dull, colorless personality.

In contrast to this, the record of the defective delinquent child although also showing limited intelligence and little capacity for abstract reasoning, indicated that he had greater potential practical ability than the non-delinquent defective. However, he showed an inability to function at this indicated level, which in all probability is due to his depressed, constricted and anxious attitude. As a result of his depression and anxiety, he reacts to all situations with low energy and a minimum of effort.

<sup>1</sup>A Dr response is a response to an unusual detail, that is, one rarely selected as a stimulus to a response. A predominance of Dr responses would indicate a preoccupation with minute detail.

These findings are in close agreement with the personality evaluations determined by the other methods.

### *Treatment*

Different recommendations for the treatment of the children of the three groups were made. Institutionalization was always recommended in the case of the defective delinquent, while in the case of the non-defective delinquent, placement in a correctional institution or boarding home under social supervision was usually recommended. As far as the non-delinquent defective was concerned, the recommendation as a rule was strict supervision in the home and placement in a special school or classes for mentally retarded children.

The recommendations were carried out for 28 of the 50 defective delinquents, 19 of the 25 non-delinquent defectives, and 14 of the 25 non-defective delinquents.

The results in the group where the recommendations were carried out were as follows:

Except for one case in the non-delinquent defective group the problem disappeared and all of them made a good adjustment as far as the agency or society in general were concerned. In the non-defective delinquent group, about 50 per cent made a good adjustment both from the standpoint of correction of the problem and from the standpoint of the agency or society. The defective delinquent group made a very poor showing. In none of the cases did the problems which the children presented disappear, and in only half of the cases was there a good adjustment from the standpoint of the interested agency.

Of the six children in the non-delinquent defective group on whom the recommendations were not carried out, five made a good adjustment both in regard to the correction of symptoms and from the standpoint of the agency or society. The opposite was true among the non-defective



delinquents where ten out of eleven children made a poor adjustment from both standpoints. All of the defective delinquent children on whom the recommendations were not carried out failed to make satisfactory adjustments.

In other words the results were uniformly poor for the defective delinquent children irrespective of whether the recommendations were carried out or not. In the case of the non-delinquent defective the results were uniformly good, while in the case of the non-defective delinquent the results were good provided the recommendations were carried out.

### *The Defective Delinquent a Clinical Entity*

From the foregoing it seems fair to conclude that the defective delinquent constitutes a distinct clinical entity. The principal pathological factors involved are vicious home influences and poor mental heredity. The mental retardation of the defective delinquent is almost always on a hereditary basis. The parents and siblings in the majority of the cases in this series were feeble-minded. A very large incidence of psychoneurotic and psychiatric conditions was also present in the members of the family. This no doubt accounts for the greater incidence of unwholesome personal and interpersonal family relationships in this group. Voluntary broken homes also predominated.

The interplay of these two factors, poor mental heredity and vicious home influences, produces the distinctive type of personality which is characteristic of the defective delinquent and which differentiates him sharply from both the non-delinquent defective and the non-defective delinquent.

The defective delinquent, as a rule, is suspicious, phlegmatic, depressed, egocentric, and selfish. He has a violent temper and is obstinate and unimpressionable. Emotionally he is both unstable and immature. This type of child is



usually imitative, a definite follower and lacking in any qualities of leadership.

The vicious home situation has made the defective delinquent belligerent and a non-conformist and it is therefore difficult to control him even in an institution. He is unable to make an adjustment no matter where he is placed. He is undisciplined, underhanded, untruthful and resentful of authority. His stubbornness is outstanding and he shows no reasoning ability. This type of child is always on the defensive and shows marked feelings of insecurity and inferiority. He feels that the world has wronged him. Hence his feelings of hostility and acts of aggression toward his environment. His conduct is non-constructive and ineffectual, and the patterns of his behavior definitely anti-social and paranoid. He tries to escape from unpleasant situations by lying or by running away.

On the whole he has some insight into his condition and is aware of his limited abilities. He has few or no moral and ethical concepts and those which he has are merely the reflections of the attitudes of the parents and the low mores of his home. He usually shows a blind loyalty to his family and accepts physical neglect and lack of love and affection as a matter of course. Sibling rivalry is almost always present and the patient feels that he is always the one in his family who is discriminated against. He is accustomed to taking what he wants at home and since stealing is either disregarded or condoned by his family, he steals whenever he has the opportunity to do so. Social inadequacy is outstanding and may greatly exceed the intellectual inadequacy.

This type of child is singularly unattractive physically and is unable to make the appeal that the average delinquent child does to the adult. He is slovenly about his person and his belongings. He has never been taught orderliness of mind or body. In addition, his inability to verbalize his

problems adds to the difficulty of the situation. Being principally of the introvert type, his associations with other children are very few. Fear of physical illnesses and for his future placement are always present. Every adult appears to be a threat to his security, and he reacts either by withdrawing still more or by becoming increasingly impertinent and stubborn. Because of this and because of his mental defectiveness, it is very difficult to establish rapport with him. His mental inaccessibility almost approximates that of the psychotic individual. This explains why psychotherapy and social therapy are so ineffectual in the treatment of this type of child.

The personality structure of the defective delinquent shows an arrest in all its parts. In the volitional sphere, in the emotional sphere, and in the sexual sphere as well as in the sphere of intellect, there is arrested development which precludes normal social maturation.

#### *Definition and Prognosis*

The defective delinquent, because of a combination of poor mental heredity and vicious home influences and conditioning, is an intellectually retarded, emotionally immature and socially incompetent individual. The fundamental basis for this defective personality is the pathologic constitutional endowment on which has been engrafted pathologically conditioned traits and characteristics which render the individual unable to adjust to his environment.

The prognosis in regard to cure of his behavior difficulty is uniformly poor. At present, commitment for life to a custodial institution especially equipped to treat this type of child offers the only solution from the standpoint of society.



## A Psychiatric View of Personality Structure in Children<sup>1</sup>

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THERE is often a lack of understanding between those who approach the problems of human adjustment from the viewpoint of child guidance or the mental hygiene clinic and those who approach them from the viewpoint of the courts or law enforcing agencies. Such differences are natural enough, but they constitute obstacles to effective working together and should not be unbridgeable. These differences arise from special problems which each group constantly meets and from the development of special attitudes and practices related to these special problems. We are all human enough to generalize too quickly that what is appropriate in our special situation must be equally appropriate for everyone else.

As a consequence of this human tendency the mental hygienist is not unlikely to consider the use of authority by the court or the probation officer not as a measure of treatment but as an admission that treatment has failed. The probation officer on the other hand, is likely to develop some sensitivity toward the mental hygienist and to respond defensively that this so-called mental hygiene does not help one meet the practical problems of delinquency and is all bunk anyway. Both need to approach the problems with open minds and the desire to see, not merely where

<sup>1</sup>This paper presented to the annual conference of the National Probation Association is based on a paper read before the American Orthopsychiatric Association in February 1943, and appears in its original form in the *American Journal of Orthopsychiatry* Vol. XIV, No. 1, January 1944.

the other is wrong, but where the other may be right. Actually much of their difference is that they are attuned to meeting very different types of problems and are over-influenced by their accustomed ways of thinking.

To seek to clarify these differences I will present the three major types of personality structure met in child guidance clinics and discuss their treatment. Each type is essentially a composite photograph of a group of cases with an essential similarity. Individual differences are obscured in this composite picture but the resulting concept of types can be useful in aiding our understanding of cases. These three categories should not be taken as exhaustive, nor should one feel it necessary to force every individual into one of them. Rather they represent dynamic conceptions of personality structure, which should be used when they fit the case.

While major elements in the scheme are frankly taken over from Freud, the concepts here presented are in themselves in no sense sectarian and will, it is hoped, be intelligible to all who work in this field regardless of the question of sectarian identification.

The personality is conceived as having a central core of primitive impulses. Primitive is here used in the sense of spontaneous and socially undisciplined, or instinctual in the Freudian terminology. Around this core of primitive impulses there is in the adult or in the older child a shell of inhibition which prevents free expression of the impulses. This corresponds somewhat with the Freudian concept of super-ego, while the core of primitive impulses represents the Freudian concept of the id. This shell represents repressing forces which keep the primitive impulses unconscious and prevent them from coming into action except as modified through social discipline.

The surface zone of the personality is the ego,—conscious, socialized, discriminating, and choosing. It is my thesis that the three major types of personality structure encoun-

tered in child psychiatry may be illustrated by the following three diagrams:

In Type I we see an individual who has an excessive development of the shell of inhibition. As a result of this the primitive impulses are denied adequate expression. Tension mounts within the personality and strong pressures develop in the struggle between the primitive impulses and the repressive forces. This individual is chronically in a state of internal conflict. Here we have the overinhibited individual likely to react to these internal conflicts by developing terror dreams or anxiety attacks, or physical symptoms of illness through conversion hysteria, or to defend himself from them by compulsive rituals. We do not as a rule see such well developed neurotic symptoms in the child, but we see the milder overinhibited symptoms of shyness, seclusiveness, fears, clinging, tics, and other common evidences of tension and anxiety with which the child guidance worker is familiar. The essential point is to recognize that the person with severe internal conflict is as a rule the overinhibited individual.

Type II represents the opposite of Type I. Type II represents the individual with an inadequate shell of internal inhibitions. As a result the primitive impulses come not only into consciousness but into expression very directly, providing there are no external pressures which check them. Such an individual is unsocialized and aggressive in his actions and is continually coming in conflict with others—the neighbors and the police—as a result of his freely giving vent to his primitive impulses. This represents a type of personality totally different from Type I, although many workers who use terms loosely will speak of this unsocialized, aggressive type of individual as neurotic. It is my belief that such a usage leads to a confusion of thinking and of treatment and that the expression should not be used for this type of personality, which allies itself rather with the psychopathic personality of asocial and amoral character.

Type III represents a more nearly normal type of personality structure than either of the foregoing. There is a normal shell of inhibition toward members of an in-group. Toward members of any out-group there is a deficit in the inhibitions, no sense of obligation and a free expression of the primitive impulses. In child guidance we see here the pseudosocial boy, the loyal gang member, the good comrade of a delinquent sub-culture, who is socialized—often highly socialized—within a delinquent group but regards the rest of the world as fair prey. The same character has been well exemplified by the Japanese soldier, at least in many instances. The Japanese soldier in Japan in contact with other Japanese is a socialized individual. The Japanese soldier in China has typically, or at least very frequently, a gross deficit in inhibitions of the expression of primitive impulses toward the Chinese civilian population, as the rape of Nanking so well exemplified. Conflict occurs at the margins of the group and here we have a third type of conflict. Type I exemplifies internal conflict—intrapersonal conflict; Type II exemplifies external conflict—interpersonal conflict; Type III exemplifies group conflict.

I am indebted to Lester Hewitt for an extensive and detailed statistical analysis of 500 cases examined at the Michigan Child Guidance Institute. The data cannot be presented here, and it will be necessary simply to indicate the general outline with a few bold strokes.

### *The Overinhibited Child*

The overinhibited personality structure is extremely familiar to mental hygienists. Typically it develops in an atmosphere of parental repression. The parents are likely to be cold and unsocial, the mother compensating for some rejection by overprotection and overrestriction, the father perfectionistic and intolerant. Both parents are inconsistent in methods of discipline. Both parents are restrained,

socially disciplined persons. They are typically of a social stratum and a level of education above the clinic average. The mother is likely to be ill frequently from one affliction or another. The child himself is likely to have experienced an unusual amount of illness which contributes to his insecurity and dependence. He is likely to be jealous of his siblings in their relation to the parents, feeling his own relation less secure.

In order to understand such a personality structure we need only to consider the dynamics of personality development. The child obtains his sense of security from his parents. A young child has no other source of security. He is utterly dependent upon the parents, and there is no frequent childhood fear which produces such chronic anxiety as the fear of loss of the parents, or the fear of loss of the parents' love. Just as the parent is the fundamental source of security to the young child, the fear of loss of the parent is the fundamental source of insecurity and of anxiety. This fact is so simple and obvious it is often overlooked.

Here we are dealing with the unsociable, cold, distant parent, lacking in warmth, perhaps the rejecting but over-protecting mother, and perhaps the perfectionistic, hyper-critical father. The child lacks the assurance of acceptance and affection which comes through close emotional contact with the parents. These are parents whose approval (and presumably whose love) can be won only by very good, very conforming, very inhibited behavior. Any violation of parental taboos is met by disapproval which this insecure child feels or fears means rejection. There is deeply implanted as the result of this experience the pervading fear that if he is not a good child his parents will not love him. As a result any aggressive act by the child throws him into a panic of anxiety. He can feel secure only by being excessively good, by being excessively inhibited. To protect himself he screws down the safety valve on his central core of primitive impulses, and the pressure there mounts



to produce an acute situation of internal conflict, which may be relieved by neurotic disorders.

### *The Unsocialized Aggressive Child*

The Type II personality pattern is really simpler than Type I, although psychiatric and mental hygiene circles are more familiar with the overinhibited personality than with the unsocialized, aggressive type represented in Type II.

This child's problem centers around his uninhibited hostile treatment of others. He is cruel, defiant, prone deliberately to destroy the property of others as well as violently to attack their persons. He shows little feeling of guilt or remorse. He is seldom able to get along with other children, but is always quarreling, fighting or engaging in mischievous tricks to annoy them. He is inclined to bully and boss them and is boastful, selfish and jealous. He is rude or defiant toward persons in authority, openly antagonistic toward his teachers, and has outbursts of temper when crossed. He will deceive others and refuses to accept the blame for his own misbehavior. Because of his personality makeup he has few close friends if any, and his classmates have little to do with him.

Even if others attempt to become friendly with him, this boy does not respond with friendship for he is suspicious of other people and reacts negatively to suggestions. He is non-committal and evasive when questioned and usually appears sullen. He seeks vengeance against those he dislikes. In our small series we find even arson and murder. His frequent petty thieving at home or at school sometimes results from the same vengeful attitude. His language is profane and obscene. He displays an unusually overt interest in sex, and is known to indulge in masturbation.

Typically, this boy lives in a deteriorated neighborhood, either in the country or at the edge of town. His troubles



however did not begin in this neighborhood or even in this particular home, for his life has been very unstable. He has carried his troubles with him since birth and their origins even preceded this unhappy event, in the pre-marital experience of his parents.

His mother's own home life in particular has been an unhappy one. It is likely that she left home at an early age to get away from her own parents and met this child's father. It is likely that this patient is illegitimate.

In any event neither parent wanted the pregnancy and the mother was probably under considerable emotional strain while carrying the child. Both parents, but particularly the mother, denied this child their affection from the beginning. Even if the parents married, desertion or divorce is likely to have broken the relationship, the child being subsequently placed either temporarily or permanently with relatives or strangers or being shuttled from one parent to the other. If the parents have remained together their relationship is fraught with bitterness and disharmony. The mother is likely to be a very unstable person, a characteristic not entirely foreign to her husband, who is deceptive in his dealings with others. Both parents are probably violent tempered and abusive toward each other or the children. The mother, possibly of low intelligence, may also be addicted to the use of alcohol. She was and still is quite unwilling to accept the responsibilities of motherhood and is frequently involved in illicit sex affairs with various men. The family itself is regarded with disfavor by the neighbors and may be known unfavorably throughout the community.

No other relationships between members of the family are encouraging to the development of a healthy social attitude on the part of the child. Rarely is authority in this family reasonably divided between the parents. One of them is usually extremely dominating and the other assumes little

direct responsibility. The parents quarrel or engage in open fights and what loyalty exists between members of the family is split between opposing factional units. Sexual relationships between the parents are unsatisfactory and contribute to conflict. The status of the child in the home is also a source of conflict. The parents disagree on methods of discipline and the father particularly is likely to be inconsistent in discipline.

The mother, and to a greater extent the father, will brook no interference from the outside, frequently shielding the boy from the charges of school and community authorities. Neither parent however is at all affectionate; they are at most indifferent in their attitudes toward him and the mother is most likely to be openly hostile or rejecting. Little wonder then that he feels unwanted in the home and is ambivalent in his regard for his parents or openly expresses his hostility toward parents and siblings alike.

In view of the mother's behavior, it is not surprising that other children in the home may also have engaged in unconventional sex behavior, and it is probable that one or more may be officially known to the juvenile court as a delinquent on other counts. As a final note of emphasis the picture presented is essentially one of generalized and continual parental rejection, and particularly overt maternal rejection, beginning at or before the birth of the child.

The product of this background is a child of bottomless hostilities and endless bitterness, who feels cheated in life, who views himself as the victim although he is constantly the aggressor, who is grossly defective in his social inhibitions, and who is grossly lacking in guilt sense over his misconduct. We may think of his hostility as springing from who has a need for, and by our common judgment a right three sources. First there is the hostility of the individual to expect love from his parents, but receives none. Even adults who have developed a good deal of social restraint

often become hostile and sometimes even violent when they find themselves rejected in a love relationship, and certainly the reaction of resentment and bitterness is natural to a child who is rejected by his mother. In the second place this child has lacked an effective affectional tie to any adult through which he could incorporate standards of behavior. In the third place the example of behavior which this child sees before him is one which is highly selfish and inconsiderate and by our conventional standards, objectionable if not delinquent. This background has given us a personality hostile, uninhibited, tending to act with direct violence to any provocation or to any desire. He has cause for insecurity and cause for anxiety, but the anxiety usually leads him to attack.

#### *The Pseudosocial Child*

Our third type of personality structure is not quite on a level with the other two, for it is the result of tendencies which developed at a higher level of differentiation. This is the pseudosocial boy—the loyal gang member, the good comrade of a delinquent sub-culture. Within his own group he is commonly a socialized and adjusted individual. It is only in relation to the larger group that we can consider him maladjusted and antisocial.

While his behavior bears certain resemblances to that of the unsocialized, aggressive boy, there are important differences. These differences are related to the fact that he is socialized in his own group and loyal to his comrades. This boy also is deceptive and defiant toward authority. When possible he avoids self-incrimination by not accepting the blame for his own acts and he feels little guilt over his delinquent depredations. On the other hand, should he violate the code of his group, as by informing on his companions when caught, he would feel deeply guilty. Even more than the unsocialized, aggressive boy, he engages in petty stealing at home or school, but this behavior would appear

to be motivated more by acquisitiveness than by a desire for revenge. He also is extremely antagonistic toward school attendance, but expresses this antagonism chiefly in truancy. This antagonism toward school is not due to a lack of friends there, for compared with the average child seen at the clinic, this boy is popular.

He is engaged in a good deal of furtive stealing, either alone or in the company of others, and is likely to have engaged in aggressive stealing as well. He is quite likely to be a member of some rather well-organized adolescent gang, and invariably is known to be associating with companions whom others consider to be undesirable and delinquent. He remains on the street late at night or may neglect to come home at all. He is an inveterate smoker and probably has some experience in sex relations with girls. Among his own group he is a "hail-fellow-well-met," but to the good people of the dominant society from whom he disassociates himself, he is a menace to law and order.

The background of this boy is familiar to you all, and there is not time to describe it at length. Typically he comes from an impoverished overcrowded home in a downtown deteriorated delinquency area. But this child was not rejected from birth. His mother, although inadequate to control him as he grew older, never lacked maternal feeling. As a result he achieved a basic socialization. But his father was more inadequate than his mother and there was a failure particularly of paternal function,—the guidance, training and control of the older child. Hence he drifted into contact with the delinquent associates of his neighborhood and achieved his adolescent socialization within a delinquent group. As a result of his behavior and parental inadequacies, an acute conflict with the parents finally developed.

In brief, the pseudosocial boy was typically given an adequate fundamental socialization in his relationship with his

mother. Later, as a result of this socialization, the failure of paternal function, and the neighborhood deviation pressures, he fell under the influence of the delinquent gang and reached his adolescent socialization within a delinquent group.

### *Treatment*

The type of treatment needed is determined by the type of personality deviation with which we are dealing. First let us consider the treatment of the overinhibited, neurotic individual. This has been relatively well worked out. Indeed in the thinking of a vast number of people in psychiatry and mental hygiene the concept of psychiatric treatment is limited to the treatment appropriate for this particular type of problem, and to them nothing else is psychotherapy. With our first type of personality structure we are dealing with an individual in whom the shell of inhibition is too thick and impenetrable. Obviously the treatment must be directed to canalize this shell of inhibition so that the primitive impulses may find some expression in a socially acceptable way. The manner in which this is done will depend upon the setting, but the same fundamental elements will be present whether one is dealing with an individual in a classroom relationship, in a foster home placement, or in intensive psychotherapy in a psychiatrist's office.

This method of therapy has been developed in its most elaborate form in the Freudian psychoanalysis. Here the therapist develops an essentially parental relationship to the patient. The parental nature of this relationship is recognized in the term which Freud applied to the patient's attitude toward his therapist—transfer. This expression is used because the patient's feeling for his therapist is recognized as a transfer of feelings which he previously had toward his parents. The psychoanalyst then proceeds to analyze the super-ego, essentially to take apart and channelize this shell of repression. To accomplish this purpose he

puts his patient under a certain discipline which is more or less parentally enforced. The requirement is that the patient shall freely associate, shall tell the therapist everything which comes into his mind. In this way the therapist is gradually able to bring the patient to relate those things of which he is conscious but of which he is ashamed. The therapist does not condemn the patient for these revelations, but is likely directly or indirectly to convey the impression that other people too think of such things, and to accept them as not shocking or unexpected. By the method of free association, by the interpretation of dreams, more and more of the unconscious repressed material is gradually brought to light. The patient may be shocked and distressed but the therapist is not. He continues to accept the patient, and in this living therapeutic relationship the patient gradually has the experience that here is a "parent" who does not reject him because of his secret nonconforming behavior or "evil" desires.

The therapist definitely leads the patient toward certain interpretations of his dreams and of his behavior. These interpretations are at least exceedingly likely to include a desire of the patient to violate the two most fundamental taboos of our culture—to kill his father and to have incestuous relations with his mother. We need not enter into the question of how frequently these interpretations may be justified. Interpretations do not *necessarily* have to be correct to be therapeutic, and one is not justified in arguing that an interpretation is necessarily correct because the patient accepts it with benefit. It should be apparent that when the patient has accepted such interpretations, and believes that he has these desires, and that his therapist believes that he has these desires and still does not reject him or regard him as wicked, then something has happened to reduce the insecurity responsible for his excessive shell of repression. The repression itself is not as tight and im-

penetrable as it was before. The primitive impulses can more readily find some overt and we hope not too unsocialized expression, and the inner conflict is in great part abated. The anxieties disappear and the neurotic symptoms are no longer needed to solve a conflict which is at least reduced in its intensity. The therapy is successful, at least to a degree. The patient improves.

### *Different Tactics*

This method of therapy is not adapted to the unsocialized, aggressive child. This point cannot be emphasized too strongly as there is a widespread tendency to believe that if the analysis just goes deep enough a cure will inevitably result. Such a child as is represented in Type II does not have too much super-ego, he has too little. His behavior results not from inner conflict but from a lack of it. One does not need to analyze a super-ego, rather it is necessary to synthesize one. One does not seek to relieve guilt-anxiety. One seeks to create it. This is done in essentially the way that taboos are planted at any time of life, whether in the early training period of childhood when the process is normally most intense, or in later life readjustments as upon induction into the army. It requires the use of authority, firmness, planned limitation, and at times punishment.

What is necessary for success is first of all a warm accepting attitude on the part of the parent or parent substitute. This is particularly important with the unsocialized, aggressive child who feels rejected and expects to be rejected. Until one has convinced such an individual of a fundamental interest in his welfare, therapy is not likely to be successful. It often requires an exceptional personality to be able to develop and maintain a high degree of personal warmth for some of these aggressive, unsocialized individuals whom most people are able to describe only in zoological metaphors.



Having established such a relationship, the next step is to establish and effectively maintain pressure toward required kinds of behavior and against certain objectionable types of behavior. This must be done step by step, often in very small steps. While an effort should be made to develop so far as possible and to exploit personal loyalty to one or more socialized adults, it must be recognized that this child's capacity for loyalty and identification is definitely feeble. The appeal must consequently be oriented in great part in terms of self-interest. Privileges which are abused must be withdrawn and returned step-by-step. For this reason older children and adolescents who are of the unsocialized, aggressive makeup usually cannot be effectively treated outside of an institution. Adequate control is impossible in the open democratically organized community. Constant reassurance of personal interest and warmth is necessary, while particular patterns of behavior are disapproved. The reason that certain requirements are set upon the individual must be explained over and over again and the requirements must be made effective. Authoritative management and limitation which will be experienced and interpreted as punishment are essential portions of the treatment.

It must be recognized that the unsocialized, aggressive individual will frequently seek to protect himself from developing an attachment for anyone, and may respond negatively when he begins to feel himself becoming attached. This must be accepted as one of the problems of treatment.

As has been stated, treatment of this adolescent will usually need to be carried out in an institution, the major portion of it by someone who is in contact with the child most, or at least much of the day. The social situation needs to be simplified by contact with fewer adults and by contact with stable, mature, even-tempered and strong personalities. The maximum simplification should occur at the start, with



a step-by-step increase in freedom and responsibility as the child is able to manage them. Psychotherapy has a place, but it is a very different type of psychotherapy from that employed with the overinhibited, neurotic, withdrawn individual. Psychotherapy here will be directed toward helping the patient recognize that his substitute parent is interested in his welfare, is not hostile to him but is simply enforcing reasonable restrictions, and that the wise course is to take advantage of the constructive opportunities the situation affords. This will have to be repeated over and over again and in different ways. There is an advantage in having a therapist who is not responsible (in the eyes of the child) for the authoritative decisions, participate or carry major responsibility for this psychotherapy. If this is criticized as superficial treatment, I would respond that it is as much of an error to use deep level therapy in a case requiring superficial treatment as it is to use only superficial treatment in a case which calls for deep level therapy.

The results of the treatment will be to develop somewhat the inadequate shell of inhibition, to stimulate foresight and an enlightened self-interest, and to develop certain patterns of conformity. If in addition skills are acquired the prospect for an individual reasonably able to take his place in society may be good. In some extreme instances, only an improvement in the capacity for institutional adjustment may be realized.

### *The Boy in the Gang*

The socialized delinquent or pseudosocial boy (typically this child is a boy) presents still another problem of treatment and one less "psychiatric" in that it is much closer to the ordinary techniques of influencing normal adults. This problem has been well discussed by Ruth Topping.<sup>1</sup> We

<sup>1</sup>Ruth Topping "The Treatment of the Pseudosocial Boy" *American Journal of Orthopsychiatry* April 1943

are dealing with a child who had a fundamental socialization and then became a part of an aggressive minority group. He is a socialized person who resonates over too limited a scale. His fundamental socialization is expressed in his outstanding capacity for loyalty; this capacity for loyalty with the corresponding response to being given what he recognizes as a "break," and his capacity to identify himself with and pattern himself after a masculine, socialized adult, are the major elements upon which one must depend.

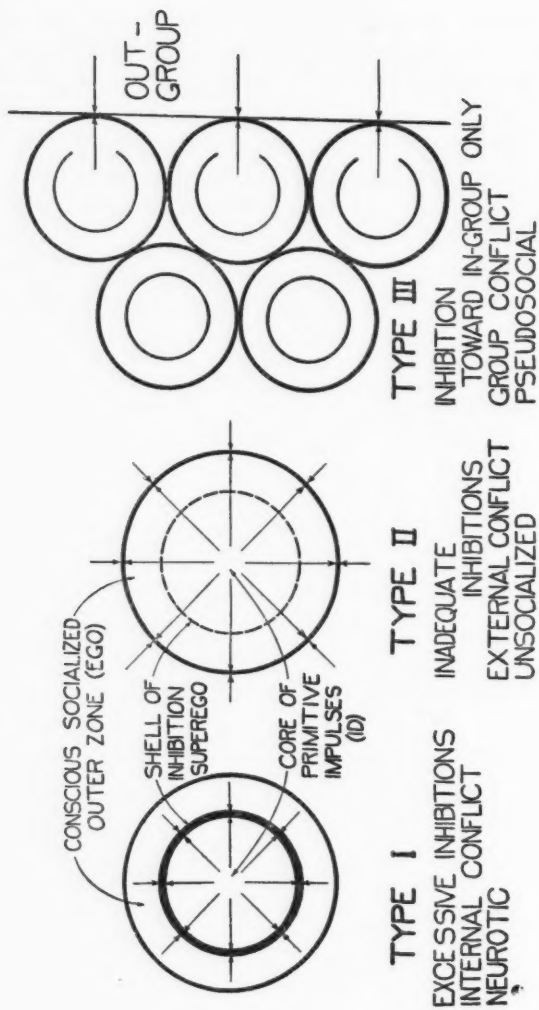
The process of establishing rapport constitutes a major problem with this boy who is suspicious toward and well armored against adults related in his mind to authority. If rapport is established loyalty can be built by "giving him a break" or otherwise showing real interest and confidence in him. The circumstances should be such that he interprets the generous act or "break" as a result of personal interest and personal confidence, not as a result of weakness, fear, or an effort to "buy him off," for this boy typically despises weakness. The process of treatment then becomes a process of enlarging his concept of his in-group through the skillful development and utilization of his loyalty. Since he is part of a closely knit group it is necessary for success to effectively separate him from this group, to neutralize its influence, or effectively to treat the whole group. Particularly suited for work with this group are strong masculine personalities with capacity for warmth of response, for generosity of feeling, for utter fairness and for uncompromising fixity of purpose. It should be delinquents of this group who should be most responsive to methods such as are employed by Clifford Shaw and his associates in the area projects in Chicago.

I should like to repeat that these types are not exhaustive, that one should not try to force all cases into them, and that one should never neglect the special factors in the individual

case. The usefulness of this schematization will be to facilitate discriminating thinking about cases. If it is used rigidly it may obstruct rather than facilitate such thinking. The probation officer is chiefly concerned with Types II and III, while the mental hygienist has been concerned especially with Type I, the overinhibited personality, and to a lesser extent with Type II, which in well developed form approximates the asocial and amoral psychopath. The treatment appropriate for each type is different, except that in each case its success will depend upon the development of confidence on the part of the person treated in the person responsible for the treatment.

While mainly occupied with Types II and III, the probation or parole officer will have to deal with some personalities of Type I. Some of these will be followers, inhibited personalities lacking courage when alone but able to be aggressive with the example and under the leadership of a stronger personality. Others will be those occasional neurotic delinquents whose delinquency may be regarded as a symptom of a neurosis and who may feel relieved of an excessive burden of guilt when they are punished. These cases are beyond the scope of this paper but one may state that they do not respond to traditional methods of treatment and need to be handled with psychiatric skill. Usually fairly readily discernible peculiarities of the delinquent or the delinquency will give a clue to these cases.

Pertinent to the military program of today I would say that Type II represents a group unfit for military service. These are individuals lacking loyalty to anyone, who cannot be depended upon, who destroy morale, and who are likely to desert and commit a crime. Many individuals in Type III, on the other hand, make excellent soldiers if they are able to accept their comrades as their comrades, for they are likely to possess a number of the military virtues: loyalty,



courage, capacity for sacrifice, the ability to take it, the fighting spirit, and sometimes a certain reckless daring which can be an important military asset.

It is my hope that this consideration may stimulate the more discriminating thinking which is needed to resolve the conflicts between the probation officer often faced with the need to implant inhibitions and the mental hygienist often faced with the need to reduce them.



## Psychiatric Aspects of Criminal Behavior

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THE study of the adult offender does not differ from the study of any kind of human behavior whether it be the infant with its poor habits, the school child playing hookey, the daydreaming adolescent, the neurotic with his pet complaints or the criminal with his crime. We must view them all in the same light and attempt to study and understand each individually, neither condemning nor rejecting. Our attitude must be one of tolerance and professional acceptance. We must also understand our own resistances and repugnances to people who differ from us. Our own outlook must be mature and free of prejudice or bias if we are to do a worthwhile professional job.

All of life is a conflict, and behavior whether good or bad is an expression of that conflict. We are continually compromising between the needs of our biological, instinctual drives and the demands of our culture. Our instincts are biological, natural, unconscious, and must be satisfied. Our cultural demands are mostly conscious, rational, artificial and man-made. My viewpoint is neither new nor original, but it must be emphasized at all times. It is an emphasis on the detailed study of individuals. Individualization includes much that must be explored painstakingly and methodically. We must study individuals not only from their present plight, but also from a biographical standpoint. A cross-section study in itself is not only unfair, but dangerous. We must pay special attention to the history and background. We can very profitably ask ourselves

this very important question: What are the individual's past experiences, present status and future expectations?

To borrow further from the psychobiological viewpoint of Dr. Adolph Meyer, let us insert and examine his equation which states that an individual plus the situation equals a reaction. The reaction may be good or bad, dependent on the two main ingredients. We are interested here in bad reactions but will forever remain ignorant unless we investigate the ingredients.

First, let us focus on the individual. He is very complex and distinct, and has many facets. A psychobiological study includes physical makeup, psychological attributes, emotional tone, habit patterns and instinctive needs. The physical makeup has to do with body build, general health, special features and characteristics and also congenital and acquired defects. Psychological qualities mean the general level of intelligence and whatever special aptitudes may be present. The all important emotional life includes general tone, maturity and stability. The personal, social and industrial habits, including the individual's need for alcohol, drugs and tobacco, may be all important in determining his behavior. It is needless to more than mention the powerful forces and drives engendered by our instinctive needs for self-preservation, propagation, and socialization, and their effect on our seeking of shelter and food, the choice of our mate, and our feelings of protection for our children and the insuring of their better welfare. In understanding our so-called criminal, a detailed study of the above factors is absolutely indispensable.

### *Situational Factors*

The situation now must be investigated. Briefly stated it includes the environment, parents, siblings, teachers, friends and associates throughout life. It includes habit training, family standards, tradition, educational and religious teachings, and the ideals of our past and present

TABLE I

## OFFENSES AND DIAGNOSES, INDIVIDUAL

<i>Offense</i>	<i>Diagnosis</i>
Murder, first degree	
Case 1	Arteriosclerotic psychosis
2	Emotionally disturbed—presenile psychosis?
3 (sister)	Emotional conflict—alcoholism
4 (adopted mother)	" " (adolescent), aggressive form of resentment
5	No diagnosis—constitutional psychopathic inferiority?
6	Negative
7	"
8	"
9	"
Murder, second degree	
Case 1 (brother)	Paranoia
2	" —emotionally disturbed, ideas of persecution (presenile?)
3	Paranoia
4	Schizoid personality—suspicious, lacks insight
5	" " —unstable, idealistic, defensive
6 (son)	Chronic alcoholism (acute stage)
7	Constitutional psychopathic inferiority—psychoneurosis—alcoholism
8	No diagnosis
9	Negative
Assault with intent to kill	
Case 1	Schizophrenia, paranoid type
2	Negative
3	"
Robbery, first degree	
Case 1	Constitutional psychopathic inferiority
2	" " "
3	" " "
Miscellaneous	
Case 1 Grand larceny of auto	Mental deficiency
2 Forgery	" "
3 Rape (daughter)	Arteriosclerotic psychosis (20 years in prison)
4 Burglary and larceny	Schizoid personality
5 " " "	Negative
6 Breaking jail	" (reactive to home situation), primary behavior disorder



TABLE II

## RESUME OF OFFENSES AND DIAGNOSES

Murder, first degree		
Arteriosclerotic psychosis	1	
Presenile condition	1	
Emotional conflicts	2	
Negative	5	
	<hr/>	9
Murder, second degree		
Paranoid states	3	
Schizoid personalities	2	
C.P.I. psychoneurosis and alcoholism	1	
Chronic alcoholism (acute at time) consider man psychotic	1	
Negative	2	
	<hr/>	9
Assault with intent to kill		
Schizophrenia-paranoid	1	
Negative	2	
	<hr/>	3
Robbery, first degree		
C.P.I.	3	
	<hr/>	3
Miscellaneous		
Burglary and larceny		
Negative	1	
Schizoid personality	1	
Grand larceny auto		
Mental deficiency	1	
Rape		
Arteriosclerotic psychosis	1	
Forgery		
Mental deficiency	1	
Breaking jail		
Primary behavior disorder	1	
	<hr/>	6
	<hr/>	<hr/>
Total		30

TABLE III

## DIAGNOSES

Psychosis	8
Schizoid personality	3
C.P.I.	4
Emotional conflicts and psychoneurosis	2
Mental deficiency	2
Primary behavior disorder	1
	<hr/>
Negative	20
	10
	<hr/>
Total	30

civilization. It includes all the hazards of disease, injury and war that man must encounter from the cradle to the grave. The environmental and cultural demands, whether local or more remote, produce an occasion for conflict. Our first impression of ourselves in relation to our surroundings at the earliest stage of socialization is a consciousness, first of a need for security and acceptance, and later for prestige and some measure of success. This awareness varies from culture to culture and from time to time, but is very demanding in its call for recognition. In our time we have noted the influence of educational demands, capitalism, rugged individualism and the need for social prestige. We place primary values on materialism and measure each other by relative values in material success. We create tremendous internal tensions clamoring for satisfaction, yet we lack the means for this satisfaction. Inferiorities, feelings of insecurity and rejection, and many deprivations arise only to be repressed and to later emerge in various forms of aggression such as robbery, assault, rape, gangsterism and many other forms of aggression. Alexander and Healy in their analytical investigations set forth in their interesting book, *The Roots of Crime*, have shown how stealing and acts of violence express revenge, insecurity, and the need for "reinstating the inner prestige" by giving the perpetrator the feeling of bravery and self-reliance. They have con-

cluded rightly that criminal behavior is largely determined by unconscious, psychological factors similar to those found in the psychoneuroses.

With the above in mind, let us proceed to some discussion of thirty cases studied at the Missouri State Penitentiary in 1942 and 1943. This study was made of prospective parolees, referred by the parole officers and parole board, to aid in determining fitness for parole. It is not to be considered an average sample of the prison population since it does contain a higher number of abnormal mental findings because of the factor of selection. In other words, it was loaded. All prospective parolees were not studied but merely this selected sample. It is important however, because of the variety of findings in a small sample and the high incidence of abnormal mental states. It emphasizes the need for individualization. The average age of the cases studied is about forty-seven years and the average stay in the penitentiary about eleven years. This length of time in the institution is undoubtedly a factor in the findings. In other words, the abnormality may have developed in the penitentiary, and its bearing on the crime may be of minimal significance. However, I present the facts and findings mainly to emphasize the need for detailed, individual study and to show differences in people you are interested in.

Further observations show the low incidence of abnormal mental states in those who had committed first degree murder and the high incidence in those who committed second degree murder. Three of the four cases diagnosed as psychopathic personalities had committed the crime of robbery and were frequent repeaters. This verifies the impression that psychopathic personalities do not commit crimes of violence such as murder unless it is accidental. The arteriosclerotic and presenile psychoses undoubtedly developed in the penitentiary because of the age of the offenders and the tenure of their stay. The paranoidal

states and schizoid personalities were factors in the commission of the crime.

The science of the study of human behavior is comparatively recent, yet much has been learned in the past forty years. If we are tolerant and thorough much will be added in the near future. Above all the scientific method must be adhered to. We must be objective and sympathetic, yet unemotional. We must avoid prejudice and bias and be willing to follow the intelligent true course. Only then can we hope to approach the solution. We must keep our attention focused on the individual and make all efforts to understand him. Heretofore we have emphasized the crime. Let us from now on emphasize the individual.

## VIII LEGAL DIGEST



### Legislation Affecting Juvenile Courts Probation and Parole, 1943

CHARLES L. CHUTE AND FREDERICK W. KILLIAN

THE legislatures of forty-four states held regular sessions in 1943. All were biennial sessions except those of New Jersey, New York, Rhode Island and South Carolina, the only states which now have annual sessions. Only four states held no sessions this year: Kentucky, Louisiana, Mississippi and Virginia.

The year was an important one both with respect to the number and quality of the laws passed in our field which were enacted in thirty-five of the forty-four states having sessions. Congress was in session throughout the year but enacted no laws of importance in the federal probation or parole field although one is cited for the District of Columbia. Twenty-four states, Alaska, and Congress for the District of Columbia enacted laws affecting the work of juvenile courts or juvenile probation. Fifteen states enacted laws relating to adult probation and five other states passed laws dealing with combined state probation and parole systems. Eighteen states enacted laws relating to parole and pardons only.

Four states—North Dakota, Texas, Montana and New Mexico—and Alaska enacted new statewide juvenile court laws, following many of the provisions of the Standard Juvenile Court Act of the Association. New local juvenile court laws were enacted for Spartanburg County, South Carolina, and Baltimore City. The age limit for juvenile court jurisdiction in Florida was raised from sixteen to eighteen. North Dakota retained its eighteen-year age limit but also gave concurrent jurisdiction to the juvenile

court over delinquents from eighteen to twenty-one years of age. New Jersey gave jurisdiction to its juvenile courts to deal with youth from sixteen to eighteen, upon recommendation of the grand jury or a judge of the higher court. A state supported juvenile receiving home for the study and treatment of children committed by the juvenile courts was established in Kansas.

California enacted a series of acts greatly modifying the organization and duties of its Youth Correction Authority. The state supervision of juvenile and adult probation was transferred to the Authority. No other state passed a youth correction authority act.

Connecticut provided for state paid probation officers in the superior courts. Idaho extended the courts' power to use probation for all offenses except treason and murder. Iowa provided for paid probation officers in its smaller counties.

In the field of parole, Georgia created a new board with full power of parole and pardon and authority to furnish probation service on request of the courts. Oklahoma created a new board to make recommendations to the governor for parole or pardon. A proposed constitutional amendment was recommended by the legislature to limit the power of the governor in these cases. Florida authorized its state probation and parole board to grant parole to misdemeanants if sentenced to one year or more. Pennsylvania created a three-man parole board with the same powers as its former board of five. Limitations were placed on its staff and on the application of the merit system.

Eight states passed war emergency acts providing for earlier parole or pardon or authorizing the suspension of parole for men in the armed services.

*ALABAMA Parole and Probation* Probationers, parolees, defendants or prisoners are not entitled to any appeal to

the circuit court from any order or judgment ordering the execution of a suspended sentence. No such order is revisable by any court except by habeas corpus proceedings in the circuit court. Persons released on probation shall be deemed to have waived any right of appeal to the circuit or appellate court from a judgment of conviction or sentence after ten days from the sentence. Costs or fines against the defendant may be paid in part or whole if the defendant is released on probation, and upon failure to make such payment the defendant may be sentenced to pay the said fine or costs as provided by law. (Act No. 548)

**ALASKA *Juvenile*** A law was passed conforming in all essentials to the Standard Juvenile Court Act of the National Probation Association. Justice courts are given exclusive original jurisdiction over all delinquent, neglected and mentally deficient children under eighteen. Non-criminal procedure is provided and the court is authorized to commit children to the Territorial Department of Public Welfare or (in the case of children of Indian or Eskimo blood) to the Indian Service of the U. S. Department of the Interior, or the court may release the child to its parents or other suitable persons, under the supervision of the above agencies. This act was passed without the signature of the governor who approved the general provisions but stated on the opinion of the attorney general that the section which differentiates between children of different races is unconstitutional.

The previous inadequate criminal legislation with respect to children was repealed. (Chap. 8)

**CALIFORNIA *Juvenile*** When the juvenile court is in doubt concerning the mental health of one of its wards it may commit the minor to the Department of Institutions for observation for not more than sixty days in a state hospital and for recommendations concerning future care. Provision is made for the minor's support. Within sixty

days the hospital shall return the minor to the court with a report of its diagnosis and its recommendations. If the minor is found to be mentally ill and recommendation is made for his commitment for that reason, the juvenile court may direct filing of a petition for such commitment in the court having jurisdiction, and shall send the medical report to that court. The committing court may accept the medical report in lieu of expert testimony. The juvenile court jurisdiction is suspended while the minor is subject to the jurisdiction of the court making the commitment. (Chap. 849)

The juvenile court may order support and maintenance for a ward or for a person for whom a petition has been filed, the amount needed to be paid from the county treasury up to \$20 a month. County supervisors may fix rates for a particular ward or for classes of wards up to \$20 a month. If necessary the court may order additional amounts to be paid out of the earnings, property or estate of the ward or by parents or guardians or persons liable to the ward's support, to the probation officer who shall in turn pay it to the person, association or institution which under the court order has the care and maintenance of the ward. (Chap. 676)

Where the residence of a minor is determined by the juvenile court any county affected shall be considered a party and may appeal from any order determining residence. (Chap. 795)

The sections of the juvenile court law with reference to minors who are wards because of having been declared free from parental custody, who have been left by parents in the care and custody of another with no support, who have been cruelly treated or neglected by parents or whose parents are unfit to exercise care or custody, and the provisions for notification of such parents under such circumstances and provisions for services upon such parents, were clarified. (Chap. 337)



The juvenile court law was amended so that referees in second class counties shall be paid \$350 per month instead of \$200. (Chap. 618)

At any stage of a criminal proceeding relating to a person between eighteen and twenty-one the court may suspend proceedings and certify the matter to the juvenile court of the county where the criminal court is located. Such certification shall be equivalent to filing a petition in the juvenile court. If the juvenile court does not declare the minor unfit for consideration under the juvenile court law and remand him for trial, the proceedings had in the certifying criminal court shall be construed as proceedings under the juvenile court law and not as criminal proceedings. (Chap. 873)

*Youth Authority* The Welfare and Institutions Code was amended to change the name *Youth Correction Authority* to *Youth Authority*. Effective for ninety-one days after the close of the regular legislative session the authority shall select one of its three members as the full time member at \$10,000 a year and during this time the other two members need not devote full time as previously but shall receive a per diem of \$25, but for not more than ten days a month, for attendance at meetings. The powers of the authority may be exercised by the full time member except the powers of diagnosis, classification, placement and parole which are to be retained by the full board. Provision is made for payments by the county to the state for the care of persons committed to the authority, and for collection by the county from estates of persons committed or from persons who are liable for their support. Provisions in force for the support of wards are made applicable to the authority and these provisions now apply to persons under twenty-one years. (Chap. 690)

The president of the California Teachers Association was added to the advisory panel of the authority. (Chap. 974)

A commitment to the authority is made a judgment.

This is a technical amendment so that in the future, applications to the courts for release from custody cannot be applied for when a prisoner was committed to the authority before a judgment was entered. (See *In the Matter of Herrera, et al.*; District Court of Appeals, Second Appellate Division, Criminal No. 3675.) (Chap. 898)

Provision was made for the appointment of a temporary person for second and third positions on the authority for a ninety day period. Appointments to a vacancy occurring by reason of any cause other than by the expiration of a term shall be for the unexpired term. The Senate must confirm all but temporary appointments. (Chap 237)

Mandatory commitment by the courts to the authority of persons for whom the authority believes there exists no adequate facilities for care and maintenance was again suspended, this time from January 1, 1944 to January 1, 1946. (Chap. 236)

The authority may require persons committed to it to perform certain public services under direction of state and federal officials and departments. Any monies received by the authority under contracts made for these services will be credited to the support of the authority in augmentation of current appropriations. (Chap. 30)

The authority may return a prisoner found to be feeble-minded, insane, mentally ill, a sexual psychopath, or a defective or psychopathic delinquent to the committing court for discharge from the control of the authority and for recommitment to the Department of Institutions. (Chap. 271)

The authority is authorized to collect statistics and information regarding juvenile delinquency and other information concerning crime and criminal administration and it is required that all state and local officers shall furnish statistics and information to the authority. (Chap. 291)

With approval of the Director of Finance, the authority may contract with colleges, universities and other organi-

zations for research in crime and delinquency prevention and for training in criminal administration and allied fields. (Chap. 675)

Paroles may be suspended, cancelled or revoked by the authority without notice, and it may order returned to its custody any person committed to it who is on parole. (Chap. 238)

*Juvenile and Adult Probation* The power of supervision over adult and juvenile probation was transferred from the Welfare Department to the Youth Authority. Probation officers are to report to the Youth Authority instead of to the Welfare Department. (Chap. 397)

*Adult Probation* If a person on probation is thereafter committed to a California state prison for a new offense the warden shall notify the probation officer as soon as he secures knowledge of the prisoner's probation status. The probation officer must notify the court of a commitment within thirty days. The court shall revoke probation and impose sentence, and the commitment shall be dated as of the date that probation was granted, and the term of imprisonment shall commence on the date that the prisoner was delivered to the prison for the subsequent offense, and sentence may be imposed in the absence of the defendant. Jurisdiction of the court shall terminate if the probation office fails so to report or if the court fails to impose the sentence as provided. (Chap. 321)

*Parole* A judge may now order prisoners subject to dipso-mania or inebriety to be confined on an industrial farm or an industrial road camp or to perform agricultural or other out of doors labor, and the person so confined may be paroled by the county medical director under the same rules and conditions under which insane persons may be paroled by medical supervisors of state hospitals. The county medical director may discharge such a person so committed if satisfied that he will not receive substantial benefit from treatment of this nature. (Chap. 266)

To meet the manpower shortage and for purposes of rehabilitation a special service parole system is established for the duration of the war. Under this system, certain inmates of prisons and county and city jails may be released to the armed forces if qualified to serve therein. Honorable discharge may make these parolees eligible for pardon. The Division of Prison Terms and Paroles and the county boards of parole commissioners are charged with the coordinated administration of the system under rules of the division. Before such releases may be obtained specified portions of certain terms must be served. (Chap. 396)

Parole officers of the State Board of Prison Directors were made peace officers. (Chap. 106)

Article III was inserted in the Penal Code making legal provision for the continuance of the Bureau of Paroles under the State Board of Prison Directors. The new article states that the bureau shall be in charge of a Chief State Parole Officer who shall appoint all other officers and employees of the bureau. The bureau shall be organized by the State Board of Prison Directors which shall specify its duties and shall fix the compensation of the Chief State Parole Officer and such other employees whose compensation is not fixed by law. (Chap. 949)

**COLORADO *Juvenile*** A Board on Standards of Child Care was created to license persons or agencies placing children in foster boarding homes. The board is appointed by the governor and represents various state departments and private interests. It is unpaid. Enforcement of the act is by the juvenile court, or if there is none in the county, by the county court. (Chap. 196)

**CONNECTICUT *Juvenile*** The state juvenile court law was clarified to vest jurisdiction in the court itself rather than in the several judges for their districts. It was also provided that the juvenile court shall have power to collect monies upon its own order. Upon certification of a judge

of the court, the state shall pay quarterly to the town of settlement of a child for whom payments have been made, three-tenths of the monies collected. Indeterminate commitments by the juvenile court were provided for in the case of mental defectives or defective delinquents. (Chap. 95)

The county commissioners in each county together with one member of the public welfare council and one representative of the state health department shall constitute a board for the location, use, management, organization and supervision of temporary homes in the county, and may establish temporary homes in private families, but such homes shall not be connected with workhouses, almshouses or penal institutions. The authorities with power to commit children to temporary homes, may commit them to suitable persons or institutions consenting to take them if it be for the welfare and interest of the child. (Chap. 96)

Cruelty to a child under sixteen by a person having control or custody, and causing or permitting danger to life and limb of such child, or endangering his health or morals, is subject to a penalty of \$500 fine or imprisonment for a year or both, and any person convicted of this offense shall be subject to psychiatric examination. (Chap. 323)

Persons employed as full time juvenile probation officers on January 1, 1941 who, when appointed by the State Juvenile Court, became members of the state retirement system and made contributions thereto, shall be entitled to benefits and shall be given credit for the length of service as juvenile probation officer prior to appointment as probation officer for the juvenile court of the state. (Chap. 95 b)

*Adult Probation* The law relating to salaries of probation officers was made to apply only to the municipal courts. They are paid necessary expenses, and in cities of 50,000 or over, compensation of not exceeding \$10 a day, in other cities and towns not exceeding \$6 a day, as may be fixed

by the court. The provisions relating to superior and juvenile court officers were eliminated. (Chap. 126)

The judges of the superior and common pleas courts, for their respective courts, are authorized to appoint probation officers. Their salaries will be hereafter paid by the state. (Chap. 335)

DISTRICT OF COLUMBIA *Juvenile* The Appropriations Act authorizes psychiatric assistance for the juvenile court of the District. The Surgeon General is authorized, upon request of the district commissioners, to detail the necessary medical and other personnel not to exceed one psychiatrist, one psychologist and one nurse. (Chap. 184)

FLORIDA *Juvenile* The juvenile delinquency age was raised to eighteen years. Power was given to the circuit, criminal and county courts to proceed against a child as delinquent in the same manner as a juvenile court judge. The county judge was authorized to commit a dependent child under eighteen to a suitable public or private institution or to place him under the care of a reputable individual. The judge may also place the child in an institution for medical care or treatment. (Chap. 21895)

The juvenile court may be directed by the circuit courts in counties having 200,000 population to receive and disburse monies for alimony, support of children, and counsel fees, and to exercise certain supervision over payments in case of defaults in payment in domestic relations cases. (Chap. 21855)

In counties with a population of over 267,000 the salaries of probation officers serving in a juvenile court or a juvenile and domestic relations court shall be \$2800 a year, and of assistant probation officers \$2400. Additional assistant probation officers may be appointed at \$1800 when reasonable need is shown and when approval of the judge and county commissioners is obtained. (Chap. 22085)

The salary of the juvenile court judge of Monroe county was fixed at \$1200 a year. (Chap. 21672) The county probation officer's salary was fixed at \$75 a month. (Chap. 21673)

The county judge of Broward county was designated as juvenile court judge of the county to exercise supervision or control of dependent or delinquent children as provided in the laws of 1941. (Chap. 415) Adjudications shall not be considered as convictions nor shall they impose any civil disability. The full time position of clerk and assistant probation officer of the county is established; the salary is \$250 a month. The appointee is to be a trained and qualified social case worker. (Chap. 21863)

The law concerning persons contributing to delinquency and dependency was restated and modernized. (Chap. 21978)

The Pinellas county juvenile court law was amended in several respects. The court's jurisdiction was restated, and continuing its original jurisdiction over specified cases affecting children, it now has both original and exclusive jurisdiction of all cases affecting children as defined in the 1941 statutes with reference to dependent and delinquent children, child labor, torturing and unlawfully punishing children, and desertion of wife and children. The judge's term of office was increased from two to four years and his salary was raised from \$2400 to \$3600 with an additional allowance for expenses of up to \$50 a month. Where the defendant has a right to a jury trial, it shall be conducted as in the courts of the justices of the peace. Appeals are to be had by trial de novo in the circuit court. In adoption cases before the circuit court, the juvenile court judge of this county and the probation officers are required to make investigations and to furnish reports as requested by the circuit court judges. (Chap. 21849)

The salary of the Duval county probation officer was fixed at \$3000 a year with \$1000 a year extra salary in his capacity



as clerk of the juvenile court, and the number of assistants he is authorized to employ was raised to eight, at salaries from \$1500 to \$2400. A sum not to exceed \$150 a month was allowed for necessary expenses of probation officers in the county. (Chap. 21850)

The Palm Beach county probation officer's salary was fixed at not less than \$1500 a year but an additional \$100 a month may be paid in the discretion of the county commissioners. (Chap. 21917)

Another law provides that when the governor shall appoint a probation officer for Lee county, his salary shall be the amount fixed in the 1941 statutes (Sec. 415.09); and the probation officer may receive other and additional compensation from sources independent of the county. (Chap. 22160)

*Probation and Parole* The law creating the state administered probation and parole system was amended in several important respects. Residence requirements for employment in the system were reduced from ten to two years. The maximum period of probation may now be extended two years beyond the maximum term for which the defendant might have been sentenced, whereas previously under the law the judge could continue probation only for the maximum period of sentence. The amendment also changes the law concerning parole so that it now includes all persons convicted of felony charges, and those convicted of one or more misdemeanors whose sentences or cumulative sentences total twelve months or more and who were confined in a jail or prison and who have served not less than six months of such term, and where the term is eighteen months or less, have served not less than one-third of the term. When parole is revoked, all good conduct time is deemed forfeited. (Chap. 21775)

*GEORGIA Juvenile* The juvenile court law was amended to establish a juvenile court in Chattooga county, presided over by the judge of the city court. (No. 233)



The general statutes were amended to provide that the Prison Commission be authorized to provide training camps for youthful convicts between sixteen and twenty-one to segregate them from confirmed criminals. The commission is also authorized to transfer prisoners under eighteen from a penal institution to the State Training School for Boys, when transfer is approved by the training school. If the boy so transferred is found unsuitable for treatment in the training school he may be returned to prison but must be segregated from confirmed criminals. The act also provides that boys between sixteen and eighteen may be committed in the first instance to the State Training School with the same power of transfer to the prison if found unsuitable for treatment in the training school. (No. 171)

*Adult Pardon, Parole and Probation* The name of the Prison and Parole Commission was changed to State Board of Prisons and all duties relating to pardons, parole and probation were taken away from it. (No. 14)

A new State Board of Pardons and Paroles was created, to consist of three members appointed by the governor for overlapping terms of three, five and seven years, with seven year terms thereafter. Members receive \$5000 and expenses and may not engage in any other business or profession or engage in any political activity. The board is given full power to grant reprieves, pardons and paroles for prisoners in all jails, prisons and public works camps of the state, except in cases of treason and impeachment and in cases of death sentences when the governor refuses to suspend the execution of the sentence. The board appoints and establishes qualifications for such staff members as it deems necessary. The board adopts general rules. It supervises all cases on parole. It is authorized to cooperate with the courts by supplying probation service where there is no existing probation agency and when the court requests it. (No. 19)

A concurrent resolution was adopted by the legislature and ratified by the voters in August, amending Article V

of the State Constitution by taking from the governor the power to grant reprieves and pardons, to commute penalties, to remove disabilities imposed by law or to remit any part of a sentence, except as to suspension of death sentences and sentences in treason cases, jurisdiction over which is retained by him; establishing the State Board of Pardons and Paroles as a constitutional body and giving the board exclusive power to grant reprieves, pardons, paroles and commutations. (No. 8)

**IDAHO *Adult Probation*** The law was strengthened by authorizing district courts, after conviction or plea of guilty for any offense except treason and murder (old law barred all previously convicted of felony), to suspend sentence or withhold judgment, and place an offender on probation to a person appointed by the court under conditions prescribed by the court. (Chap. 14)

***Adult Probation and Parole*** Three joint resolutions, proposing amendments to the state constitution with relation to prisons, probation and parole, passed by the legislature in 1941, were submitted to the people at the general election in November 1942. One was passed, requiring the legislature to establish a non-partisan state board of correction of three members, appointed by the governor for overlapping terms, to direct the penitentiaries and adult probation and parole.

The other two resolutions were defeated but were both reenacted in almost identical form by the 1943 legislature, and will be submitted again to the people in 1944. One of these proposes to abolish the ex officio State Board of Prison Commissioners, and the other to restrict the governor so that his power to remit fines and grant commutations and pardons shall be "subject to such regulations as may be provided by law." (House Joint Resolutions Nos. 3 and 4)

**ILLINOIS *Juvenile*** The juvenile court law was amended to provide that the court placing children with a child placing agency or in a family home may order the county

of residence to pay support up to \$30 a month. Counties must make annual appropriations for support of children. The state reimburses the county for one-half the amount paid. (S.B. 225)

A state commission of three members of both branches of the legislature and three citizens appointed by the governor was created to investigate the consolidation of "all child welfare functions of the state." (S.B. 543)

*Juvenile and Youth* The legislature created the Illinois State Training School for Boys and Youthful Offenders Commission to consist of five members of the Senate, five members of the House and five citizens appointed by the governor who shall receive no compensation but are entitled to expenses. The commission may employ assistance as required, shall exercise general supervision over the construction and improvement of housing for the State Training School for Boys, shall study social problems arising in connection with youthful offenders, shall cooperate with other government departments and advise them on the subjects studied by it and shall recommend to the next assembly laws which it may deem necessary. Seven thousand dollars is appropriated to the commission. A previous act of 1939 providing for the construction of an addition to the Illinois State Training School for Boys and a previous act of 1941 creating a commission to study social problems arising in connection with youthful offenders were repealed. (S.B. 343)

Any male person between ten and nineteen may now be sentenced to the Illinois State Training School for Boys for any and all crimes and offenses, instead of to the penitentiary or to the county jail. The court has discretion to make the commitment under the act approved June 25, 1917, and persons so committed shall be eligible for institutional release. (H.B. 749)

Any girl between ten and eighteen may be sentenced to the State Training School for Girls under the act approved

June 25, 1917, for any and all crimes or offenses instead of to the penitentiary, county jail or house of correction, in the discretion of the court. (H.B. 750)

*Adult Parole* Parts of existing law relating to parole, which had been declared unconstitutional, were repealed. (S.B. 17)

The parole functions of the Division of Corrections in the Department of Public Safety, as taken over from the Department of Public Welfare, were clarified. (S.B. 18)

*INDIANA Juvenile* The juvenile court law of 1941 was amended to exclude children over sixteen years of age who have violated any traffic laws from the jurisdiction of the juvenile court. (Chap. 182)

The public welfare law was amended to provide that in Marion county (Indianapolis) the judge of the juvenile court instead of the circuit court shall appoint the members of the County Board of Public Welfare; also that in counties having a city of the first or second class, "one of such members shall be appointed from that element of the population which provides the greatest per capita case load to such court." (Chap. 83)

*Adult Probation* A probation office in the city court of cities from 70,000 to 95,000 population (Hammond) was created. The salary of the probation officer was fixed at \$3000 and expenses. Besides the usual duties of the office, the probation officer may appoint clerical assistants and fix their compensation, not to exceed a total of \$3000. (Chap. 104)

*IOWA Probation* In any county with a population of less than 30,000 one probation officer may be appointed by the judge of the District Court who may serve part time or as required, and shall receive \$5 per diem or 50 cents per hour for services rendered, but not to exceed \$1800 a year. (Chap. 129)

*Parole* For the duration of the war the parole board may

relinquish custody of a paroled prisoner to a military or naval authority for the period of service by the prisoner in the armed forces of the United States. The board shall recommend to the governor the pardon of a paroled prisoner who, during his parole and during any war, served in the armed forces or the nursing service of the United States or its allies, and who was honorably discharged or died in the service. (Chap. 133)

**KANSAS** *Juvenile* A receiving home for children was established, under the direction of the State Board of Social Welfare, but the governor appoints and fixes the salary of the chief of staff who in turn appoints other employees. Children are committed by the juvenile courts for clinical study and recommendations to the juvenile courts, who must finally dispose of the cases. The State Board may refer to the receiving home children who have been committed to any state institution, or may authorize the acceptance of children by the home without commitment. The home is established in buildings available at the State Orphans' Home, \$25,000 being appropriated. (Chap. 177)

*Clemency* During the period of the war the governor is authorized to grant conditional military pardons to permit induction into the army of men otherwise acceptable; notice thereof shall be sent to the clerk of the district court in the county of conviction; publication of notices of grants of clemency in county papers shall be waived. (Chap. 217)

**MAINE** *Juvenile* Clarifying amendments to the juvenile court law were adopted. For the first time it was written into the law that the municipal courts, while dealing with delinquent children under seventeen, "shall be known as juvenile courts." The juvenile court was definitely deprived of jurisdiction in cases of "a capital, or otherwise infamous crime." The Supreme Court has ruled that an infamous crime is a felony. If such is charged the court can only hold for the grand jury. The provision was added that

"no municipal court shall sentence a child under the age of seventeen years to jail, reformatory or prison." (Chapters 177, 322)

*Adult Probation* The law was amended to provide that sentence may be suspended for an indefinite period not exceeding two years, instead of one year as previously. Other amendments provide that the court shall fix the period of probation and the terms and conditions thereof, and that at any time the court or the justice thereof may suspend the probation. (Chap. 3)

The county commissioners shall require probation officers to give bond to the county in such sum as the commissioners shall approve for the faithful performance of duty. (Chap. 239)

*Parole* The law relating to parole and good time in the state prison was clarified, providing that a parole violator shall be treated as an escaped prisoner; after arrest he is liable to serve the unexpired portion of his maximum sentence; deductions for good time are forfeited but further good time may be earned and reparole is possible. (Chap. 201)

The two members of the parole board appointed by the governor are allowed ten dollars per diem and their functions are defined. (Chap. 249)

The parole law of the reformatory was revised, providing that the superintendent shall present satisfactory cases to the parole board; no inmate may be paroled under six months if convicted of a misdemeanor, or under one year if convicted of a felony; but seven days per month good time allowance may be granted. (Chap. 115)

MARYLAND *Juvenile* The legislature amended the juvenile court law of Baltimore City, abolishing the office of magistrate and assistant magistrate for juvenile causes and conferring jurisdiction of juvenile causes on the circuit court of that city. Juvenile causes will now be heard by a

judge of the Supreme Bench of Baltimore City assigned by it to hear such cases, and it is declared to be basic that the judge hearing such cases shall not be subject to rotation. In many respects the provisions of the law conform to those of the Standard Juvenile Court Act, particularly with respect to hearings, detention, care and custody, non-criminal nature and privacy of proceedings. The court has original, exclusive jurisdiction over children under sixteen who are dependent, delinquent, neglected or feeble-minded. It has jurisdiction over adults contributing to delinquency, but this jurisdiction may be waived. They are subject to jury trial unless waived. The court may determine the paternity of children in disputed cases. A referee, called "master" may be appointed by the Supreme Bench at \$4000 a year who may hear any case in the first instance upon direction of the judge assigned to juvenile causes, and his recommendations must be confirmed by the judge, and hearing before the judge may be had. The Supreme Bench may appoint a psychiatrist for assignment to the juvenile judge's staff. Seven probation officers and three stenographers are provided. In dependency and neglect cases the child shall be committed to the State Department of Public Welfare which will have sole power to place the child. Appeals are allowed to the Court of Appeals. The Supreme Bench may make rules regarding procedure in juvenile causes. The juvenile judge may waive jurisdiction where the acts committed would amount to a felony or misdemeanor if they had been committed by an adult. He may order the child held for regular procedure, but if the judge retains jurisdiction there shall be no jury unless the parent or guardian so elects.

The law also makes several provisions for the protection of minors over sixteen years of age. It requires the examination by specially appointed attending physicians of women and female minors sixteen or older, under certain safeguards.



Investigation by a probation officer is required in any proceeding before any of the courts of the Supreme Bench of the city involving a minor sixteen years or over, and any of these courts may suspend sentence on proceedings and place the minor on probation; these provisions also apply to children under sixteen where the juvenile judge has waived jurisdiction and has held the child for regular proceedings. In such cases these courts may also determine the custody of such children and minors. Minors over sixteen and under eighteen in Baltimore City and under eighteen elsewhere, upon conviction of any offense punishable by imprisonment, may be committed to any public or private agency or institution. A minor without care or guardianship, or who appears to be in danger of developing vicious and evil tendencies, or who is likely to become depraved or immoral, may be committed to a juvenile institution. (Chap. 818)

Allegany county is authorized to establish a juvenile county home. Incorrigible, homeless and uncared for minors may be detained in and committed to the home by the juvenile court and other agencies. The home will be managed by directors composed of the county commissioners together with the state attorney and juvenile magistrate of the county and the circuit court judges residing in the county. The board must visit and inspect the home twice a year. (Chap. 661)

The annual salary of the magistrate for juvenile causes in Montgomery county is fixed at \$2400. He is authorized to appoint necessary clerks, probation officers and stenographers and fix their compensation. (Chap. 147)

*Adult* A new law provides that no person otherwise qualified shall be ineligible to take the merit examination for state employment because of previous or future conviction of crime, such person having served his sentence or obtained release by reason of any pardon, probation, conditional commutation or parole. However, no such person



shall be entitled to a veteran's preference, and the appointing authority may consider such conviction if such person is certified for employment. (Chap. 291)

*Adult Parole* The governor, acting upon recommendations of the director of parole and probation, and in line with policies and standards to be set up by him and the director, may grant an inmate of a state penal institution or a parolee a conditional release for the purpose of emergency employment. When so released, such prisoners shall be classified as emergency employees; shall be paid the rates provided for the position to which they are appointed; shall be excluded from the merit system, and shall come under the supervision of the director of parole and probation who also determines what part of their salaries shall be withheld and to whom paid. The conditional release does not affect eligibility for general parole later and it is provided that prisoners so employed shall be considered as serving their sentences while so employed. The law expires (except for technical considerations) upon termination of the present war. (Chap. 150)

MASSACHUSETTS *Juvenile* The law relative to the detention of children is revised, the word "detention" being substituted for "commitment" which was used throughout the old law. As reworded the law now states: "Whenever a child between seven and seventeen years of age is arrested . . . the officer in charge of the place of custody to which the child has been taken shall immediately notify the probation officer of the district court within whose judicial district the child was arrested, and at least one of the child's parents . . . and shall inquire into the case. Pending such notice and inquiry, such child shall be detained." Upon the written request of a parent or any other reputable person who agrees to be responsible for taking the child to court, or upon the written request of the probation officer for the release of the child, the child may be released. A

child held for further examination may be committed by the court to the care of the State Department of Public Welfare or of a probation officer. The department is allowed necessary funds to provide special foster homes, supervisors, or transportation facilities for the care of children between fourteen and seventeen committed by the court. (Chap. 244)

A new section is added to the General Laws authorizing the juvenile or district court, which commits the child to the State Department of Public Welfare or places the child in the care of a suitable person or charitable corporation, to make an order for the payment by his parents or guardians of sums not exceeding the cost of support. (Chap. 504)

The law is amended to transfer from the Boston Municipal Court to the Boston Juvenile Court jurisdiction over parents of neglected children. The juvenile sessions of the district courts of the state have had this jurisdiction, but not the Boston Juvenile Court. The new statute provides however that a parent placed on probation in the Boston Juvenile Court may be supervised by the probation service of the Municipal Court. (Chap. 87)

*Probation* The law is clarified in regard to the giving out of information on criminal records compiled by the Massachusetts Board of Probation. The law is changed to read as follows: "The information so obtained and recorded shall not be regarded as public records and shall not be open for public inspection but shall be accessible to the justices and probation officers of the courts, to the police commissioner for the city of Boston, to all chiefs of police and city marshals, and to such departments of the federal, state and local governments and such educational and charitable corporations and institutions as the board may from time to time determine." (Chap. 64)

*Adult Parole* During the period of the war the parole board may parole prisoners (not sentenced to life imprison-

ment) from the state prison, or transfer therefrom to the reformatory or prison colony, those who have served two and one-half years. (H.B. 1535)

**MICHIGAN *Juvenile*** The act creating the Michigan Children's Institute was amended in a number of details, chiefly to permit continuance of the period of observation during the minority of the child (instead of not to exceed one year), provided that when the child ceases to be a ward of the court, written consent shall be secured from the persons having lawful custody of the child. (Public Act No. 207)

It was provided that all property of the Michigan Child Guidance Institute be transferred to the University of Michigan to be used by the University as directed by them to study delinquency or to further scientific and educational purposes. (Public Act No. 36)

**MISSOURI *Juvenile*** The appointment of county superintendents of public welfare who serve as probation and parole officers in counties of less than 50,000 population, formerly discretionary only with the county court, must hereafter be approved by the juvenile court. (H.B. 358)

Salary limitations of juvenile court probation officers were increased as follows: chiefs, from \$2000 to \$4000 in counties of from 200,000 to 600,000 population; deputies from \$1500 to \$3000, counties of 400,000 to 600,000; \$1500 to \$2000, in counties of 200,000 to 400,000. (H.B. 231)

***Adult Parole*** An inmate of the Intermediate Reformatory for Young Men may hereafter be considered for parole if his behavior has been satisfactory after serving either one-third or fourteen months of his sentence, whichever is shorter. (H.B. 78)

An inmate of the Intermediate Reformatory, if his behavior has been satisfactory, shall be discharged after serving three-fourths of his sentence. Civil disabilities incurred by conviction of felony shall cease two years after discharge if a certificate is issued by the Board of Probation and Parole

stating that he has not been indicted or convicted of any crime during such period. (H.B. 79)

**MONTANA *Juvenile*** The district court was given jurisdiction over juvenile causes but only with reference to delinquency, and when hearing these causes it will be known as the juvenile court. In many important respects the law follows the provisions of the Standard Juvenile Court Act. Delinquent children under eighteen are within the court's jurisdiction, and when obtained, such jurisdiction may be continued until the child becomes twenty-one. Jury trials are allowed upon the demand of a parent, guardian, interested person, or upon motion of the judge. Cases of neglect and dependency are otherwise handled in the state. Jurisdiction is given over adults contributing to the dependency and delinquency of children but there is no provision for paternity investigations. The judge in every judicial district shall appoint a chief probation officer at not to exceed \$2400, and may in his discretion appoint deputy probation officers and stenographers at not to exceed \$1800. Salaries shall be apportioned among the counties in each district. Children under eighteen must be detained separately from adults. Provision is made for foster homes for temporary or permanent placement. County commissioners may establish detention homes known as "youth homes" in any county. Committees of seven persons in each county to act as juvenile court advisory committees without pay may be appointed by the judge. Medical and psychiatric examinations are provided for. (Chap. 227)

**Parole** Control of the Montana State Industrial School was transferred to the State Board of Education and the parole provisions were amended accordingly. (Chap. 156)

The law relating to good behavior allowance was amended. The state board of prison commissioners was given authority to make rules allowing all convicts employed in any prison work or activity additional good time allow-

ance, not to exceed ten days a month, while so employed. Infringement of any rules may deprive convicts of all allowances of extra good time herein and previously allowed. (Chap. 107)

NEVADA *Adult Parole* The parole law was amended to provide that the ex officio board of parole "for good cause and in order to permit induction into the military services of the United States, may suspend paroles during the parolee's active service after induction into the military service." (Chap. 38)

NEW HAMPSHIRE *Juvenile* The town of residence of a juvenile delinquent committed to a person or institution not chargeable with his support is liable for support with the right of action for reimbursement against whoever is legally chargeable for the delinquent's support. (Chap. 25)

*Probation* Municipal probation officers must have their appointments approved by the board of probation and shall be subject to supervision of the board and hold office during the pleasure of the board. (Chap. 8)

A new classification of state employees was adopted. A new salary schedule was established by the governor and council fixing probation officers' salaries from \$1800 to \$2400 per annum with \$60 annual increase. In addition probation officers receive reimbursement for expenses in performance of their duties. (Chap. 145)

*Parole* The Board of Parole may suspend supervision of a parolee serving in the armed forces; on termination of service by honorable discharge, the board may grant final discharge. (Chap. 43)

The Board of Parole may release after two-thirds of the minimum sentence, any prisoner sentenced to two years or more, who gives reasonable assurance of success on parole. (Chap. 84)

A released prisoner remains in custody of the Board of

Parole and shall report at designated intervals to the state parole officer. (Chap. 45)

**NEW JERSEY *Juvenile*** In addition to exclusive jurisdiction over juvenile delinquents under sixteen, the juvenile court shall also have exclusive jurisdiction over persons between sixteen and eighteen who commit any offense, if the complaint in such cases shall be certified by the grand jury with approval of the prosecutor of the pleas or by a judge of quarter sessions or special sessions, to the judge of the juvenile court. The chief probation officer must first make an investigation and file his report with the official desiring to make the certification. In such certified cases the juvenile court is entitled to receive all statements of witnesses and other documents pertaining to the complaint and shall then hear and dispose of the case separately from cases involving juveniles under sixteen. The juvenile court may before final adjudication return the complaint and supporting papers to the body or official from whom it was received if in its judgment the complaint should not be adjudicated by it, and that body or official shall resume jurisdiction. The juvenile court shall also have power to return a probationer violating probation to any body or official which shall have certified him to the juvenile court. (Chap. 97)

***Probation*** A person required by the court to serve a designated part of a sentence in the penitentiary or workhouse may thereafter be released on probation having been given credit for days remitted. The chief probation officer may at any time during the period of probation fixed in the sentence return the person to the sentencing court for violation of probation conditions, and the person may then be resentenced to such penitentiary or workhouse for the remaining portion of the original sentence. (Chap. 40)

**NEW MEXICO *Juvenile*** The juvenile court law was improved in a number of respects. The definition of delinquency was simplified. Provision was made for a

juvenile court attorney in each judicial district who will represent the state in juvenile court matters and will also act for the state health and welfare departments. Any person over twenty-one may now give information to the juvenile court, juvenile court attorney, or probation officer that a person is a juvenile delinquent. Thereupon an investigation shall be made to determine if the interests of the juvenile demand further action. Reports must be made to the court in all cases and if need is disclosed for further action, the juvenile court attorney shall bring an action in the court by filing an affidavit. Discretion to seal court records was given. It was specifically provided that nothing in the act shall prevent any person of whatever age from being convicted as a felon in conformity with the criminal law. Privacy of hearings is not mandatory but discretionary. The district court may transfer any case against a person under eighteen, instead of sixteen as previously provided, to the juvenile docket. Removal of a juvenile delinquent from the state is permitted and certain security may be obtained for his appearances before the court. Jurisdiction obtained over a juvenile delinquent now continues to age twenty-one unless the juvenile is sooner discharged. Commitments do not divest the court of jurisdiction but may not be made for a period beyond minority. (Chap. 40)

*Adult* Any person committing an act or neglecting a duty tending to cause or encourage the delinquency of any person under the age of eighteen years shall, after conviction, be punished by a fine not exceeding \$1000 or by imprisonment for not more than five years, or by both. Supersedes similar legislation of 1941. The term of imprisonment is increased from a maximum of one to a maximum of five years. The old requirement of imprisonment in the state penitentiary is omitted, and unlike the old legislation, this law is silent concerning the power of the juvenile court over such offenses and its jurisdiction to sit as a committing magistrate in such cases. (Chap. 36)



**NEW YORK *Juvenile and Domestic Relations*** The Domestic Relations Court Act of New York City was amended to provide that upon revocation of probation or supervision, the court may commit or remand such child, irrespective of his age at the time of the violation, to any authorized association, agency, society or institution. This power to commit or remand now applies to a person who was under sixteen when the offense was alleged to have been committed or the right of action accrued, and who was adjudged delinquent or neglected after attaining the age of sixteen, whether or not on probation or under supervision. The child's religious faith is protected. (Chap. 553)

The act was amended to provide that the corporation counsel of the city may represent a petitioner who is likely to become a public charge in both the family court and the court to which such petitioner may appeal. (Chap. 437)

The act was amended so as to state the criterion of this court's power in making determination of amounts for support to be paid by specified chargeable relatives to dependent adults. This criterion shall be fairness, reasonableness and the needs of the petitioner. (Chap. 271)

***Juvenile*** The State Children's Court Act was amended to provide that if a judge of the children's court is elected to Nassau county, his salary shall be \$10,000. (Chap. 40)

The State Commissioner of Social Welfare may now, subject to the approval of the committing judge or his successor, authorize the transfer of a boy not over sixteen from or to the State Agricultural and Industrial School, or the New York Training School for Boys, if the public interest and the interest of the boy are deemed by him to require such action. The transfer does not, as previously, depend upon whether the boy's original commitment was from a district reassigned by the Social Welfare Board. Previously the committing judge's approval of a transfer was unnecessary. (Chap. 504)

***Youth*** Eight new sections were added to the state Code



of Criminal Procedure covering youthful offenders. A youth is defined as a minor between sixteen and nineteen, and a youthful offender as a person who has committed a crime not punishable by death or life imprisonment. Where a grand jury has found an indictment and where it appears that the defendant is between sixteen and nineteen, the grand jury or district attorney may recommend to the court or the court on its own motion may determine that the defendant be examined, investigated and tried to determine whether he should be adjudged a youthful offender, provided that he consents thereto and to trial without jury. If the defendant consents and the court approves, filing of the indictment shall be held in abeyance pending the investigation, and thereafter the court may direct that the defendant be tried to determine whether he is a youthful offender. If the defendant is not tried as a youthful offender, the indictment shall be deemed filed as of the date it was voted, but if tried as a youthful offender, the indictment against the defendant shall not be filed. Pending investigation of the defendant the court shall have the same powers over the defendant as if the indictment had been filed. If the defendant is adjudged a youthful offender, the court may consider any statement, admission or confession in connection with sentencing, but otherwise such statement, admission or confession shall not be admissible against the defendant or his interest. Provision is made for private hearings and for hearings separate from terms or parts of the court used for the trial of adults charged with crime. If detained before or after trial, the defendant shall be segregated from persons over nineteen. No adjudication shall operate as a disqualification of a youth to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any public license, nor shall it be deemed a conviction. Safeguards for records are provided. Youthful offenders may be placed on probation for not more than three years. If not fit subjects for probation, they may be

committed to a religious, charitable or reformatory institution for not more than three years. If committed to a private institution, it must be to one under the control of persons of the same religion as the defendant. (Chap. 549)

The New York City Criminal Courts Act was amended by adding eight new sections covering youthful offenders. In New York City where a misdemeanor is charged, the district attorney may recommend, or the court having final jurisdiction (Court of Special Sessions) on its own motion may determine, that the defendant, provided he consents, be examined and tried as a youthful offender. This procedure may be followed in any case where a defendant has either waived examination or is held for trial and where it shall appear that he is between sixteen and nineteen. If the defendant consents to the examination, no information shall be filed against him and no further action shall be taken in connection with the charge, but if the court disapproves of the district attorney's recommendation or determines that the defendant should not be tried as a youthful offender, then the information shall be filed. In other respects, this law follows the provisions of chapter 549, above. (Chap. 551)

The special city magistrates' courts known as the adolescent courts now being held in Kings and Queens counties are continued to July 1, 1944. These courts may, with the district attorney's consent, dismiss the criminal information or complaint against a defendant who was over sixteen and under nineteen when the offense is alleged to have been committed, and deal with him in accordance with the procedure specified by the Code of Criminal Procedure for wayward minors. (Chap. 552)

*Adult* In all cases where a defendant charged with a crime or offense is before a city magistrate of New York City and such magistrate is authorized to admit him to bail, the magistrate may in his discretion parole the defendant if reasonably satisfied that he will appear when wanted.

Previously the magistrate could parole such defendants, but the law then specifically excepted felonies, misdemeanors and other legally specified non-bailable offenses. (Chap. 550)

*Parole* Every first offender received in a state prison prior to June 1, 1940 on a minimum sentence of more than five years on conviction of buying, receiving, concealing or withholding stolen goods, may be released on parole on said sentence pursuant to the correction law as though the sentence had been for an indeterminate term the minimum of which was five years. Second and third offenders may be paroled as if the sentence had been for an indeterminate term, the minimum of which was ten years. (Chap. 139)

**NORTH CAROLINA** *Juvenile* The act relating to juvenile courts for cities of 10,000 population or over was amended to permit the selection of a judge of any combined city-county juvenile court, other than the clerk of the superior court as now, and an assistant judge, for terms of one year. Salaries are to be determined by the county commissioners, but prorated between the city and county. (Chap. 594)

*Domestic Relations Courts* The act creating domestic relations courts was amended to include jurisdiction over adults contributing to the dependency of a minor child (not simply a "juvenile"); to provide a substitute judge, appointed like the regular judge to serve during the absence or disability of the judge, with compensation on a per diem basis as determined by the governing board appointing him. The courts are made courts of record and appeals are provided for in cases involving the custody of children. (Chap. 470)

*Adult Probation* Limitation upon the salary of the state director of probation was removed. The salary will be fixed hereafter by the governor and council. (Chap. 638)

**NORTH DAKOTA** *Juvenile* A new juvenile court law was enacted which follows in a majority of its provisions the

Standard Juvenile Court Act of the National Probation Association, revision of 1943. Original jurisdiction is given the district courts, acting as juvenile courts with standard provisions as to powers and procedure to deal with children under eighteen, and concurrent with the criminal courts, with youth between eighteen and twenty-one. Adult jurisdiction is limited to enforcing the care and support of children before the court. Instead of the requirements that two commissioners be appointed in each judicial district the district judges may now appoint commissioners for each county (not more than two) who may be of either sex and who serve as referees. Their salaries were increased to not to exceed \$200 a month (\$250 in counties with large cities) or \$8 per diem. No change was made in the provision for "juvenile officers" who supervise children, who may receive only their expenses. (Chap. 212)

*OHIO Juvenile* When a child who is received in a county or district children's home or in its wardship on an agreement with a parent to pay a stipulated sum for support, and when there are arrears of such payment for six months, the trustees of the home may institute proceedings in the juvenile court to ascertain if the child has been abandoned. The juvenile court judge may make an order for the best interests of the child and for his future care. (Page's Ohio General Code Annotated, Sec. 3093)

*Parole* Females over sixteen convicted of felony except first degree murder without recommendation of mercy, shall be sentenced to the Ohio Reformatory for Women in the same manner, for the same statutory penalties, and subject to the same laws governing paroles and releases as male persons now sentenced to the Ohio Penitentiary and to the Ohio State Reformatory. (Sec. 2148-5)

An inmate of the Girls' Industrial School over sixteen may be transferred to the Ohio Reformatory for Women

if her presence in the industrial school seems to be detrimental to the other inmates, or if because of her previous conduct or criminal tendencies she appears to be incapable of benefitting by the training given in the industrial school. A written order of the State Department of Public Welfare is required for the transfer. Such transferees may be paroled or released upon recommendation of the superintendent of the reformatory and approval of the Department of Public Welfare but they shall not be subject to state control in the reformatory or on parole after having reached twenty-one. (Sec. 2148-8)

**OKLAHOMA *Juvenile*** Male children under sixteen and female children under eighteen found dependent or neglected may be committed by order of the court to a suitable orphans' home, to the care of some reputable citizen or to the care of an association. The court may also cause the child when its health or condition may require it, to be placed in a public hospital or institution for treatment or special care or in a private hospital or institution which will receive it for like purpose without charge. (Chap. 5)

***Adult Probation*** The salary of the probation officer of Oklahoma county was raised from \$1800 to \$2400 per annum with \$600 per annum for expenses. The law also provides that the probation officer and the public defender in Oklahoma county, may have a secretary, who shall also be an assistant probation officer, appointed by the judges of the courts of record of the county who shall serve as such at the pleasure of such judges at a salary of \$1500 per annum. (Chap. 5a)

***Pardon, Parole, Commutation and Clemency*** A joint legislative investigating committee was created "to investigate all executive clemency, the clemency system and prison reform." The committee is instructed to report its findings and recommendations to the governor and to the next suc-

ceeding legislative session and to make recommendations concerning legislation or constitutional amendments for correcting any abuses discovered. (Page 217)

The governor is authorized to appoint a pardon and parole board of five members. In his discretion one member thereof may be an elected state executive officer to serve without additional compensation. The chairman of the board (not to be the elected official) will receive a salary of \$1500 a year and the other members will be paid a per diem of six dollars; all will receive traveling expenses. The board cannot act on its own initiative but the governor may certify to the board any application for a reprieve, commutation, parole, pardon or other act of clemency, in which case the board is authorized to examine into the merits of the application and to make advisory recommendations to the governor which will not be binding on him. This law expiring June 30, 1945, contemplates amending the state constitution according to the proposal described below. It became law without the governor's signature. (Chap. 12 a)

The legislature proposed an amendment to Section 10 of Article 6 of the state constitution, which if adopted will modify the governor's now exclusive constitutional power concerning pardons, commutations and paroles. The proposition will be submitted to the people at a special election to be held on July 11, 1944. The proposed amendment provides for the creation of a pardon and parole board of five members, three to be appointed by the governor, one by the chief justice of the Supreme Court and one by the presiding justice of the Criminal Court of Appeals; it provides that the terms of office of the appointive members shall be coterminal with that of the governor and that the board members shall be removable for cause. It also provides that the board shall investigate applications for commutation, pardon or parole and shall recommend to the governor all applicants deemed worthy of clemency, and that after conviction and after favorable vote of the board,

the governor shall have power to grant commutations, pardons and paroles for all offenses upon such terms as he may deem proper, subject to legal regulations. Impeachment cases are excluded from the proposed amendment. The governor will have the further power to grant reprieves or leaves of absence after conviction, not to exceed sixty days without action by the board. The governor is required to report all action to be taken under the proposed amendment to the legislature at each regular session. (Senate Joint Resolution No. 10)

OREGON *Juvenile* Charitable or correctional institutions or agencies in the state which receive dependent or delinquent children committed by the juvenile court in any county of less than 100,000 population, after being properly certified, are authorized to collect five dollars per month per child from the county from which the child is committed. (Chap. 161)

The juvenile court law was amended to authorize the court to order payments by parents for the support of children found delinquent, dependent or neglected. (Chap. 209)

PENNSYLVANIA *Probation* The law establishing the Municipal Court of Philadelphia was amended to remove the limitation on the salary of the chief probation officer to \$5000, and on the salaries of probation officers and employees to \$2500, authorizing the board of judges to fix their salaries. The title of the chief probation officer was changed to director of probation. (Act 279)

*Adult Parole and Probation* The 1941 act creating the State Board of Parole was amended, changing the board from five to three members and reducing their salaries. This resulted in the appointment of an entirely new board by the governor. The position of general director of parole was eliminated and the ten district supervisors were removed from their civil service status and are now appointed by the board with the approval of the governor instead of by



the board alone. It was provided that when the Pardon Board reduces a minimum sentence by commutation, if the Board of Parole refuses to parole the prisoner at the expiration of the term it must transmit to the Pardon Board a written statement of its reasons, whereupon the Pardon Board may release the offender on parole under the supervision of the Board of Parole. Except in these Pardon Board cases it is provided that the Board of Parole shall act on applications for parole "if possible before the expiration of the minimum term and in no case more than thirty days thereafter." A district supervisor is allowed to hear cases for parole (formerly one member of the board). District attorneys and wardens or superintendents of institutions are required to submit recommendations on parole applications and the board is required to consider them. Parole supervision may extend up to the maximum term imposed by the court (formerly up to the maximum term provided by law). The power to supervise persons placed on probation to the board by special order of any criminal court is retained. (Act 324)

The Pennsylvania Supreme Court in a decision handed down November 23, 1943, upheld the constitutionality of the 1941 parole act. The case was on appeal from a decree of the Court of Common Pleas of Delaware County. The Supreme Court held that the law was not an infringement on the pardoning power of the governor because parole "is not an act of clemency, but a penological measure for the disciplinary treatment of prisoners who seem capable of rehabilitation outside prison walls." The act does not impinge upon the power of the courts, as the granting of parole is an administrative, not a judicial function. It does not interfere with the sentence of the court but prescribes the manner in which it shall be served. In line with this reasoning the court declared two sections of the act unconstitutional: section 21 which attempted to give the Board of Parole power to extend parole beyond the maximum term



imposed by court, and section 24 which would permit the board to discharge a parolee before the expiration of the maximum sentence. (Commonwealth ex rel. Banks v. Cain, 345 Pa. 581)

**RHODE ISLAND** *Parole* Annual salaries up to \$1000 each were provided for the three members of the parole board appointed by the governor, instead of \$20 per diem for attending meetings. (Chap. 1304)

Extension of time was granted to the state commission studying the probation and parole system and to certain state institutions and agencies. (Resolution 80)

**SOUTH CAROLINA** *Juvenile* A children's court is established in Spartanburg county having exclusive, original jurisdiction over children under sixteen and of persons contributing to juvenile delinquency. When acquired, jurisdiction may continue through minority. There is provision for an advisory board of nine members, two members shall be the senator from the county and one member of the lower house to be elected by the legislative delegation from the county; the other seven, whose terms shall be staggered and who shall not hold any elective public office, shall be chosen and appointed by a citizen's committee to be elected by the legislative delegation from the county. The duties of the board shall be advisory and cooperative and they shall meet once a month with the judge of the juvenile court. The judge of the court shall be appointed by the governor upon recommendation of a majority of the advisory board and he shall hold office for one year or until his successor is appointed and qualifies. He shall be compensated as the county legislative delegation determines. Children under sixteen charged with serious criminal offenses may be certified by the judge to the circuit court of the county for disposition of their cases. Appeals may be had from the children's court to the circuit court. The provisions of the

juvenile delinquency law are applicable where not inconsistent with this law. (Stat. at Large No. 77)

**SOUTH DAKOTA** *Suspension of Sentence* The law was amended to permit the suspension of the execution of sentence in any misdemeanor case (also first convictions of felony, as before). The court is permitted to extend the period of suspension not to exceed two years beyond the original sentence. Upon completion of the period the defendant's citizenship is restored. (Chap. 128)

**TEXAS** *Juvenile* A new juvenile court act was passed, the purpose of which, according to its title, is "to change the method for handling delinquent children from the present criminal procedure to guardianship." The act provides that either the district court or the county court shall be designated the juvenile court in each county (not both concurrently as before). Exclusive original jurisdiction is given over delinquent boys over ten and under seventeen and over girls ten to eighteen, with continuing jurisdiction to twenty-one unless discharged. A jury may be demanded. No jurisdiction is conferred over dependent or neglected children or over adults. In most other particulars the act follows the provisions of the Standard Juvenile Court Act of the National Probation Association. (Chap. 204)

The Revised Civil Statutes were amended to provide that the court adjudging a child dependent or neglected may order the parent or other responsible person to pay such sum as will in whole or in part support the child, whether the child is committed to the custody of the parent or to any other person, agency, or institution. The court enforces its judgment by civil contempt proceedings and may alter its judgment. Any interested person may appear in the case and may demand a jury trial. (Chap. 194)

*Adult Parole* Good conduct rewards for inmates of the state prisons were provided, also recommendations for commutation or pardon to be made to the Board of Pardons and

Paroles and the governor for extra meritorious conduct. (Chap. 361)

UTAH *Juvenile* The attorney general in an opinion rendered January 29, 1943, held that the juvenile court, having found a child neglected, dependent or delinquent, cannot be divested of jurisdiction by a petition for modification to the district court, although that court had granted a divorce to the parents.

WASHINGTON *Adult Parole* The State Board of Prison Terms and Paroles was authorized to reduce minimum terms by not to exceed six months to permit inmates of the state prison or reformatory to engage in farm labor, provided that other sources of labor are exhausted; that inmates work of their free will at prevailing wages; that no one be employed where there is a labor dispute, or under the contract system. (Chap. 175)

WEST VIRGINIA *Juvenile* A new adoption law was enacted conferring jurisdiction on the circuit court and concurrent jurisdiction on the juvenile court in counties where the circuit court does not sit as a juvenile court. (Chap. 35)

*Adult Probation* The law authorizing persons convicted before justices of the peace to petition for probation in the court of record to which an appeal would lie, was broadened to apply to any court not of record. The judge may grant probation in any such case upon such conditions as may seem fit to the court. (Chap. 33)

*Adult Parole* The state director of probation and parole is authorized to terminate supervision and discharge the individual from parole at the end of the maximum sentence, less time deductions for good conduct and work, when in his judgment the ends of parole have been attained. The law previously made parole supervision mandatory, without deduction of good time, for the maximum sentence fixed by law for the offense. (Chap. 32)

WISCONSIN *Adult Parole* Statutes amended to provide that males, sixteen to twenty-five, convicted of felony or misdemeanor, and females, eighteen to thirty, convicted of felony, may be committed to the State Reformatory or to the Industrial Home for Women, respectively, for second or subsequent offenses (formerly for first offenders only); and to require also that paroles from the reformatory or the Industrial Home for Women, granted by the State Department of Public Welfare, must hereafter be approved by the governor. Such approval previously was required only for the parole of prisoners convicted of felony and sentenced to the State Prison, the Prison for Women or the Milwaukee County House of Correction. Parole from the latter institutions was liberalized to provide that all offenders committed under indeterminate sentences may be paroled after serving the minimum sentence, or one-half the maximum, or two years, whichever is least, not deducting any allowance for good behavior. Those committed on determinate sentences (less than life) must serve one-half the term or two years, whichever is less. Prisoners sentenced for life may be paroled after serving twenty years (instead of thirty), less the diminution for good conduct. The State Department of Public Welfare, with the approval of the governor, may discharge from parole at any time. (Chap. 313)

During the war the Department of Public Welfare, with the approval of the governor, may parole any prisoner who may be eligible for induction into the armed forces and may suspend such parole during service in the armed forces. The governor may discharge a parolee who receives an honorable discharge from the armed forces, and such discharge shall have the force and effect of a pardon. (Chap. 312)

## IX THE NATIONAL PROBATION ASSOCIATION



### Review of the Year 1942-1943

CHARLES L. CHUTE

*Executive Director*

THIS report summarizes the activities of the National Probation Association for the fiscal year ended March 31, 1943, the thirty-sixth year of the existence of the Association, and its twenty-second year of incorporation as a national social agency with a paid staff. Throughout the year twenty-five persons were regularly employed: the executive director, two assistant directors (one for professional and one for financial work), a field consultant, a publicity and legal research assistant, the director of the western office and an assistant in charge of western financial work, a membership representative, a librarian, an office manager, and a clerical staff of fifteen, including one secretary in the western office. In addition a research worker and temporary clerks were employed part time during the year. The work of the Association is supervised by an active Board of Trustees assisted by the Professional Council, an advisory body made up of leaders in probation and parole from all over the country, by special committees, and by the national membership.

The Association conducts city, county and state surveys of courts and probation systems; drafts juvenile court, probation and parole laws, and aids in promoting their enactment; participates in conducting examinations and in securing the appointment of qualified probation and parole officers, and in their training through institutes and study

courses; aids judges and local authorities in improving the administration of probation and parole; conducts national and regional conferences; publishes literature which is available to all probation workers and others interested; carries on research work, and serves as a clearing house of information for the entire country. Field services for the extension and improvement of juvenile courts, probation and parole work, usually given at the request of judges, probation and parole executives or state and local agencies, have been carried on this year in twenty-four states.

The more important projects undertaken by the staff for the fiscal year are summarized by states as follows:

#### *Surveys and General Field Services*

**CALIFORNIA** Brief studies of probation and detention homes in Bakersfield and Fresno and a preliminary study of the probation department in San Diego were made by the western director, who also served as oral examiner in civil service examinations for probation officers twice in San Diego and twice in Los Angeles.

**CONNECTICUT** Assistance was given in the framing and promotion of a bill for state administered adult probation. The executive director made two visits to Hartford and spoke at a legislative committee hearing in behalf of the bill.

**FLORIDA** The field consultant visited four cities to confer with judges and representatives of social agencies on local problems. He made recommendations to a committee of the Florida Probation Association regarding revision of the juvenile court law, and delivered several public addresses.

**LOUISIANA** Consultations were held with representatives of the State Department of Public Welfare regarding legislation for an adult probation law. It was subsequently enacted, the first law of its kind in the state, and a state-

wide staff is now employed. Assistance was given on amendments to the juvenile court law of New Orleans.

**MICHIGAN** A five weeks survey of juvenile delinquency in Jackson county was made by the field consultant at the request of the judges and a local committee. The study covered the work of the juvenile court, the police, the guidance department of the public schools and other agencies. A full report was published and distributed. Recommendations of the study were followed up.

**MISSOURI** At the request of the State Board of Probation and Parole assistance was given in the preparation of an examination for state probation and parole officers, papers were rated and the executive director conducted the oral examination. The governor and state and local authorities were consulted. Assistance was given in the preparation of new legislation.

**NEVADA** The western director made a statewide survey covering all correctional work. A full report was published and widely distributed. Active work was done with state and local groups to urge legislation to improve juvenile courts and establish adult probation and parole.

**NEW YORK** The courts were visited in New York City and judges and probation staffs conferred with. The executive director visited Albany to confer with representatives of the governor and legislators on pending legislation.

**OHIO** A staff member conferred with the judge and others in plans for a survey of agencies concerned with delinquency in Mahoning county.

**OREGON** A detailed study of the juvenile court detention home in Portland was made by the western director.

**PENNSYLVANIA** Three visits were made by the executive director and conferences held with the chairman and other representatives of the State Board of Parole and Civil Service Commission. Assistance was given in the preparation of

three examinations for the entire staff of the new state parole board.

Allentown, Easton, Hazelton and Tamaqua were visited and conferences held regarding the need for improved facilities for probation, juvenile detention and crime prevention.

**SOUTH CAROLINA** A three weeks study of the work of the Spartanburg juvenile court was made. A full report was issued. The recommendations were presented at a large meeting attended by city and county officials. The survey committee in carrying out the recommendations of the report secured the enactment of a new law and the appointment of a new judge and probation officer.

**TEXAS** We cooperated in the appointment of an adult probation committee. At the request of the committee and state agencies the field consultant spent six weeks in Texas visiting and conferring with judges and other city, county and state officials regarding adult and juvenile probation. A report was prepared and assistance given in drafting legislation. As a result a new juvenile court law was enacted. Continued assistance is planned to insure passage of an adult probation and parole act. Texas is one of the five remaining states without adult probation.

**VIRGINIA** A preliminary visit to Alexandria was made and advice given with regard to improved detention facilities. This resulted in a survey request. A three weeks study followed, covering the work of the juvenile court and detention of children. A report was prepared and widely distributed. A visit was made to Richmond to follow up the recommendations of our survey of the year before.

**WYOMING** Several visits were made to Laramie and Cheyenne for conferences with individuals and groups interested in the state's need for a juvenile court law. Plans were made for a statewide study and educational campaign.

**OTHER FIELD VISITS** Many other cities were visited by staff members for purposes of consultation and local assist-



ance and to arrange membership appeals and promote public interest in the work.

*Conferences, Institutes and Addresses*

**NATIONAL CONFERENCE** A three day conference was held in New Orleans, May 7-9, 1942. One session was held jointly with the Association of Juvenile Court Judges of America. Several joint sessions with the National Conference of Social Work followed. Outstanding features were addresses by the Association's president, Dr. Roscoe Pound, and by Margery Fry, who came from England at the invitation of the Association. An exhibit of probation progress was set up, and a new sound film on the Toledo, Ohio court, and our film, "Boy in Court" were shown.

**AMERICAN PRISON ASSOCIATION** The Association conducted two joint sessions with other groups and arranged a general luncheon at the Annual Conference of Corrections at Asheville, North Carolina. The executive director attended a special conference in New York and was appointed a member of a committee to confer with representatives of the army and selective service in regard to the deferment of probation and parole officers.

**ALABAMA** The executive director spoke at the Southeastern States Probation and Parole Conference at Montgomery, participated in a radio panel and addressed the student body of the Alabama College for Women.

**CALIFORNIA** The western director organized a symposium at the California State Probation and Parole Conference in San Francisco and spoke at two meetings arranged by the county probation department in San Diego.

**DISTRICT OF COLUMBIA** The executive director attended a conference at the White House on children in wartime, called by the United States Children's Bureau in cooperation with Mrs. Roosevelt.

**MASSACHUSETTS** A week's training institute for federal probation officers from New England, New York and New Jersey was held. The executive director was a speaker.

**NEVADA** The western director arranged and conducted the Western Probation and Parole Conference at Reno covering nine western states. It was attended by many judges, state officials and delegates.

**NEW YORK** The Association held its first regional conference of 1943 in March in New York City in connection with the meeting of the National Conference of Social Work. Three well attended sessions were held, at one of which a staff judge advocate spoke on army discipline.

The executive director spoke at hearings arranged by the State Department of Social Welfare and the Commissioner of Investigation, New York City, on the subject of increase in juvenile delinquency.

**SOUTH CAROLINA** The assistant director assisted in conducting a one day institute for probation and parole officers and spoke at the State Conference of Social Work.

**TENNESSEE** The field consultant participated in a training institute for federal probation officers from the south-eastern states.

**OTHER ADDRESSES** Talks were also made at conferences and meetings held in Michigan, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Utah and Virginia. The total of addresses made by staff members during the year is as follows:

Mr. Chute	12
Mrs. Bell	9
Mr. Hiller	26
Mr. Wales	15
Mr. Kitts	1
	—
Total	63

*Publications*

Published during the fiscal year:

*Social Defenses Against Crime* Yearbook for 1942, 346 pages, containing the proceedings of the annual conference. The following papers were reprinted from the Yearbook in pamphlet form:

PSYCHIATRIC TECHNIQUE AND REHABILITATION Ralph S. Banay  
THE YOUTHFUL PROBLEM DRIVER Alan Canty  
CASE WORK WITH THE ADULT OFFENDER David Dressler  
PUBLIC CHILD WELFARE SERVICES AND THE COURTS Margaret A. Emery

STATE ADMINISTRATION OF ADULT PROBATION AND PAROLE Robert M. Hill

THE RISE OF SOCIALIZED CRIMINAL JUSTICE Roscoe Pound  
DIFFERENTIAL LEVELS IN THE INSTITUTIONAL TREATMENT OF THE JUVENILE DELINQUENT A. L. Simon and D. Dunaeff

AN APPROACH TO PRESENTENCE INVESTIGATION Milton Weif-  
fenbach

THE NATIONAL PROBATION ASSOCIATION REVIEW OF THE YEAR 1941-42 Charles L. Chute

*Probation and Parole in Theory and Practice*, a study manual by Helen D. Pigeon

*Probation* the bimonthly magazine, five issues and index  
*Newslet* a news bulletin for probation officers, sponsored by the Professional Council, four issues

*A Standard Juvenile Court Act* Revised draft prepared by a committee of the Association

*A Bookshelf* for Probation and Parole Officers and Others Interested in Delinquency

*The Juvenile and Domestic Relations Court and the Crime Prevention Bureau, Richmond, Virginia* report of a survey by Francis H. Hiller

*The Children's Court, Spartanburg, South Carolina* report of a survey by Francis H. Hiller

*Detention of Children and Related Problems in Alexandria, Virginia* report of a survey by Francis H. Hiller

*Frazer Detention Home, Portland, Oregon* report of a study by Ralph G. Wales

*Delinquency and Crime Treatment in Nevada* report of a study by Ralph G. Wales

Appeal leaflets and blanks, circulars, programs of conferences and announcements.

### *Motion Picture*

Our juvenile court sound film, "Boy in Court," is in constant demand in this and other countries. Up to the end of the fiscal year ninety-two 16 mm. prints and one 35 mm. print were sold. Rentals are continuing.

### *Revision of the Standard Juvenile Court Act*

The Association published a standard juvenile court act in 1923 and a new edition somewhat revised in 1933. The need for a complete revision had become apparent and in 1942 the Association appointed a committee of leading juvenile court judges, lawyers and specialists in child welfare to assist the staff in revising the act. A number of meetings of the committee were held and much correspondence was carried on. The act was finally approved for publication by the committee and the Board of Trustees. It has met with favor in all parts of the country and there is a steady demand for copies.

### *Inservice Training*

The training manual *Probation and Parole in Theory and Practice*, upon which Miss Helen D. Pigeon was employed for over a year, was completed in May of last year and 1000 copies, 500 clothbound and 500 paperbound, were published. The manual was extensively advertised throughout the country and there has been great demand for it. Over 700 copies have been sold and the manual is now in use by probation departments, schools of social work

and training groups in all parts of the country. At the close of the year a second edition of 1000 copies was ordered. Plans have been formulated but have been somewhat delayed in execution by wartime conditions, for the organization of training institutes for probation and parole officers through the employment of a specially trained and competent person on the staff of the Association.

### *Professional Council*

The council, under the chairmanship of Robert C. Taber, chief probation officer in Philadelphia, met in New Orleans in May, seventeen members being present. Ralph Hall Ferris, director of probation of Michigan, was elected chairman, Milton Weiffenbach, federal probation officer in St. Louis, vice chairman. The council met in New York City in November. Several committees have been active in helping to set up conference programs and in studying Association problems.

### *General Work*

General advisory service to probation and parole officers, judges and others has been given throughout the year by correspondence, interviews and literature. General publicity was carried on by numerous newspaper releases and the preparation of special articles. The Association continues to serve as a clearing house of information for the whole country in the field of probation and parole. Publications and exhibit material have been loaned to many conferences and institutes. Many persons visit the office of the Association to secure information, including applicants studying for civil service examinations in probation and related fields.

Requests have been received for our model juvenile court and adult probation and parole bills and much assistance is given to local officials and agencies in the drafting and promotion of legislation.

More demands than usual have been made on the Association for assistance in placing candidates in probation and parole positions. The war has greatly cut down staffs of many departments, and in several areas civil service requirements have been broadened to eliminate residence requirements. This is a liberalizing process which we hope will continue after the war. Assistance in placements has likewise been affected by wartime shortages of candidates but some appointments have been made from the available persons on our list.

### *Board and Staff Changes*

During the year there have been the following changes in the Board of Trustees: at the annual meeting in New Orleans in May 1942, Arthur T. Vanderbilt of Newark was elected to fill a vacancy on the board. His broad social interests and his connection with many other organizations interested in public welfare render him a valuable addition to the board.

During the year Monsignor Robert F. Keegan of New York resigned from the board due to pressure of work in connection with the war. On April 18, 1943 occurred the death of Judge Joseph N. Ulman of Baltimore. Judge Ulman served for the ten years before his death as an active and valued member of the board.

### *Membership and Financial Support*

The total paid up membership of the Association on March 31, 1943 was 22,976, an increase of 4038 over the previous year and 4593 over the year ending March 31, 1941. The classified membership contributions for the year are shown in the following table:

Membership Contributions Received  
from April 1, 1942 through March 31, 1943

	Amount Contributed	Number of Contributors	
		Renewal	New
Under \$ 2		1335	458
Only 2		4660	1794
	2.01 to 4.99 inc.	1016	265
	5 to 9.99	6145	2320
	10 to 24.99	3193	885
	25 to 49.99	534	190
	50 to 99.99	99	17
	100	48	12
Over 100		5	..
	Total	17,035	5941
	Grand Total	22,976	

The great bulk of contributions for the work of the Association is from renewal of citizen member dues. As indicated by the above table a large majority contributes small amounts and these are continued from year to year. In spite of many other demands upon our contributors, their loyal interest has held during the past year. The Association has been aided in many cities by judges and other prominent persons who have acted as sponsors in sending out financial appeals for the work. Through an increased number of local appeals more new contributors enrolled during the fiscal year than during the previous year.

The Association has members and contributors in every state in the Union and in many foreign countries. As indicated by the treasurer's report we were able to close the year with a working surplus in the general fund. The Association has no endowment fund but a permanent reserve fund has been built up to which are assigned, by action of the Board of Trustees, legacies and certain large gifts, some of them memorials to deceased friends. This

fund is managed by our finance committee and is invested in industrial and government bonds and in stocks, and brings a small regular interest return.

Interest in the work of the Association continues to grow. As it is the only national organization in its field, we find that demands and opportunities for service are unlimited. In return for the generous assistance of our members and contributors throughout the country, we are making every effort to carry on the work as economically and as effectively as possible. We bespeak the continued interest and assistance of all who read this report.





## Treasurer's Report

The following is a copy of the statement submitted by our auditors:

### NATIONAL PROBATION ASSOCIATION, INC.

STATEMENT OF CASH RECEIPTS AS RECORDED, AND  
DISBURSEMENTS, BY FUNDS, FOR THE YEAR ENDED

MARCH 31, 1943

#### GENERAL FUND

BALANCE, APRIL 1, 1942.....\$ 12,379.71  
RECEIPTS:

Dues and subscriptions .....	\$135,242.88
Local contributions for field service expenses .....	1,126.10
Sale of publications .....	2,564.15
Income from investments .....	1,462.50
Interest on bank balances .....	62.88
Film sales and rentals .....	538.66
Victory taxes withheld from employees' salaries .....	647.41

TOTAL RECEIPTS ..... 141,644.58

TOTAL .....\$154,024.29

#### DISBURSEMENTS:

Salaries .....	\$ 65,478.63
Extra service (compensation) .....	4,392.18
Travel expense .....	11,522.98
Printing .....	10,657.71
Multigraphing .....	7,618.90
Postage and express .....	10,244.39
Rent .....	5,299.30
Office supplies .....	3,510.16
Telephone and telegraph .....	1,039.25
Equipment .....	303.19
Purchase of publications .....	170.59
Cost of motion picture films .....	251.66
Miscellaneous .....	960.54

TOTAL DISBURSEMENTS .....\$121,449.48

## BALANCE, MARCH 31, 1943:

On deposit:	
Operating account .....	\$ 29,046.16
Savings banks .....	2,553.65
Petty cash .....	75.00
Travel expense funds .....	900.00
	<u>\$32,574.81</u>

## RESERVE FUND CASH

BALANCE, APRIL 1, 1942..... \$ 1,312.21

## RECEIPTS:

Proceeds from sale of securities .....	1,395.95
Total .....	<u>\$ 2,708.16</u>

## DISBURSEMENTS:

Purchase of securities .....	1,251.85
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BALANCE, MARCH 31, 1943:

On deposit with savings banks .....	<u>\$ 1,456.31</u>
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SUMMARY OF RESERVE FUND AND CHANGES  
THEREIN FOR THE YEAR ENDED MARCH 31, 1943

BALANCE, APRIL 1, 1942:

Cash on deposit with savings banks....	\$ 1,312.21
Investments—bonds and stocks at cost..	65,163.47
	<u>\$66,475.68</u>

BALANCE, MARCH 31, 1943:

Cash on deposit with savings banks....	\$ 1,456.31
Investments—bonds and stocks at cost..	63,852.57
	<u>\$65,308.88</u>

NOTE: The only changes in the reserve fund during the year consisted of the sale for \$1,395.95 of 30 shares of Sears Roebuck & Co. capital stock costing \$2,562.75 (with resultant loss of \$1,166.80) and the purchase for \$1,251.85 of 50 shares of Montgomery Ward & Co. Incorporated, common stock, the difference between the proceeds of sale and the cost of the security purchased, \$144.10, being deposited with savings bank.

## ACCOUNTANTS' CERTIFICATE

National Probation Association, Inc.:

We have made an examination of your accounts for the year ended March 31, 1943 and have verified the securities of the reserve fund and the cash balance of the general and reserve funds as of that date by certifications obtained from the custodian and the depositaries, respectively.

In our opinion the accompanying statements set forth the cash receipts as recorded and the disbursements of your general and reserve funds for the year ended March 31, 1943, and the investments of the reserve fund at March 31, 1943.

(Signed) HASKINS & SELLS

New York, April 19, 1943

## TREASURER'S NOTES

1) There were unpaid bills carried over on March 31, 1943 amounting to \$925.82, subsequently paid.

2) The above statement divides the funds of the Association into the general fund, which is our operating account for carrying on the work, and the reserve fund. The latter has been built up from time to time by setting aside various sums from current receipts. The board of trustees has considered this fund essential to protect the Association in case of emergencies which might bring about a reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts from persons, some of whom are still living. While none of these legacies or gifts have been restricted in any way as to their use in the work of the Association, it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the reserve fund and should be set forth in this report. These legacies and gifts have not been separately invested.

## SOME OF THE SOURCES OF THE RESERVE FUND

## LEGACIES

1926	Mrs. Annie R. Miller, Newark, New Jersey .....	\$ 1,870.22
1927	Sarah Newlin, Philadelphia.....	500.00
1929	Mrs. S. Edith Van Buskirk, Wyckoff, New Jersey.....	100.00
1931	Mrs. Winifred Tyson, New York..	1,000.00
1933	John Markle, New York.....	10,000.00
1939-41	Georgiana Kendall, New York....	1,324.53
		<hr/> \$14,794.75

## MEMORIALS

1924	Wilhelmine F. Coolbaugh, Chicago..	\$ 1,000.00
1925	Joseph L. Boyer, Detroit.....	500.00
1930	V. Everit Macy, Westchester county, New York .....	1,850.00
1932	George Eastman, Rochester, New York .....	1,500.00
1934	Mrs. Helen Hartley Jenkins and the Hartley Corporation, New York..	11,150.00
1936	Tracy W. McGregor, Detroit.....	2,150.00
1937	Mrs. Fannie B. Look, Los Angeles..	5,000.00
		<hr/> \$23,150.00

## SPECIAL GIFTS AND LIFE MEMBERSHIPS

1925	Mrs. Leonard Elmhirst, New York	\$1,200.00
1927	Mrs. Lilly A. Fleischmann, Cincin- nati, Ohio .....	500.00
1936	Mabel I. Hilliard, Donnellson, Ohio	325.00
1937- 38-40	Henry Ford, Dearborn, Michi- gan .....	3,000.00
		<hr/> \$5,025.00
TOTAL		<hr/> <hr/> \$42,969.75

HENRY DEFOREST BALDWIN, *Treasurer*

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## Minutes

ANNUAL BUSINESS MEETING  
OF THE NATIONAL PROBATION ASSOCIATION  
ST. LOUIS, APRIL 10, 1943

AT the annual meeting Judge Perry L. Persons of Waukegan, Illinois, a long time member of the Association and regular attendant at our conferences, was asked to preside in the absence of the president. Approximately thirty members of the Association were present. Judge Persons spoke briefly.

The executive director presented an informal report on behalf of the Board of Trustees, summarizing the work of the Association during the past year.

Ralph G. Wales, director of the western office of the Association, presented an informal report.

Ralph H. Ferris, chairman of the Professional Council, presented a report on the work of the Council, summarizing the actions and recommendations agreed upon at the annual meeting of the Council the evening before. He stated that the Council had voted to submit a proposed amendment to the by-laws of the Association which may be adopted by a two-thirds vote of the members of the Association at this meeting, subject to the subsequent approval of the Board of Trustees. The purpose of the proposed amendment is to provide that the Council itself shall hereafter nominate or certify new members of the Council to be appointed by the president of the Association.

The executive director presented the amendment on behalf of the Professional Council as follows:

Amend Article IX, paragraph 3, line 5, by adding after the word *president* the following: "upon certification<sup>1</sup> by the Professional Council."

<sup>1</sup>Later changed to "nomination."

The sentence in question will read as follows: "The Council shall consist of thirty or more members who shall be appointed by the president, *upon certification*<sup>1</sup> by the Professional Council, in such manner that the terms of one-third of the members shall expire on December thirty-first of each year.

L. Wallace Hoffman of Toledo, Ohio, presented the following report of the committee on resolutions:

1) WHEREAS, the public is becoming increasingly concerned about the rise in juvenile delinquency, as indicated by many statements of persons of public prominence reported in the press of the nation, this public interest being a normal reaction to a period of great national stress, and

WHEREAS, nationwide inquiry conducted by this Association discloses substantial increases in some areas of the country and decreases in other areas, the average for the entire country being an increase of only 8.5 per cent for 1942, but with certain trends in the rise and fall of delinquency related to social and economic changes in the communities, and

WHEREAS, the public security demands an aggressive frontal attack on the problem;

RESOLVED: 1) that the National Probation Association in convention assembled takes this opportunity to remind the people of the nation that the problem is not of alarming proportions and should not be the occasion for a feeling of national anxiety; 2) that we see in the present increased problem of juvenile delinquency the same causative elements as have before existed, rather than a series of new factors; 3) that we here reaffirm the fundamental principles of the need of prevention and sound treatment of juvenile delinquency for which the Association has always stood, and we do here urge the various states and individual communities to reenforce and extend their facilities for maintaining the integrity of the home by furnishing such supplementary probation and child welfare services as may assist in carrying out this purpose.

2) WHEREAS, objective studies of county jails of the nation have shown in all but isolated instances that county jails constitute a menace to public health and morals;

<sup>1</sup>Later changed to "nomination."

RESOLVED: that we urge social agencies to explore local detention and custodial facilities of both juveniles and adults and to take measures to awaken public consciousness of the existing shocking conditions.

3) WHEREAS, the National Association of Probation Officers of England is holding its annual conference the last week in May under wartime conditions far more difficult than we face here, and

WHEREAS, H. E. Norman, secretary of that organization has been in correspondence with our Association regarding synchronization of our conferences, and it happens that their meetings coincide almost exactly with our regional conference to be held in Cleveland on May twenty-fourth;

RESOLVED: that the National Probation Association at that time through its executive secretary send a greeting by cable to our fellow workers in Britain.

4) RESOLVED: that the National Probation Association express its thanks to the local committee of arrangements for its efficient preparation for the present conference, to the St. Louis Convention Bureau, the Jefferson Hotel, the newspapers, all of our speakers, the staff of the Association, and to all others who gave so generously of their time and energies to make this conference an outstanding success.

L. WALLACE HOFFMAN, *Chairman*  
R. D. GREENLAW, Nashville  
ROBERT M. HILL, Montgomery  
F. C. HOCHREITER, St. Louis

Each of the resolutions contained in the report was presented separately and by motion duly made and seconded was adopted.

Joseph H. Hagan of Rhode Island, chairman of the committee on nominations, presented the following report:

Your committee has met and considered nominations to fill the vacancies on the Board of Trustees of the Association.

We desire to renominate for the full term of three years the following members whose terms expire at this time:

Henrietta Additon, Bedford Hills, New York; Irving W. Halpern, New York; Judge Charles W. Hoffman, Cincinnati; Sam A. Lewisohn, New York; Chief Justice William M.

Maltbie, Hartford, Connecticut; G. Howland Shaw, Washington, D. C.; Frank C. Van Cleef, New York.

For the other three vacancies we nominate three new members for three year terms:

Judge Paul N. Schaeffer, Reading, Pennsylvania; Dr. Charles H. Johnson, New York; Mrs. Leopold K. Simon, New York.

To fill the unexpired term of Monsignor Robert F. Keegan, resigned, we nominate: Rt. Rev. Msgr. John O'Grady, Washington, D. C.

JOSEPH H. HAGAN, *Chairman*  
RICHARD A. CHAPPELL  
JOSEPH Y. CHENEY  
RUSSELL JACKSON

Upon motion duly made and seconded, the report of the committee was approved and the secretary was instructed to cast a unanimous ballot for the election of the members of the Board of Trustees nominated therein.

The meeting then adjourned.

CHARLES L. CHUTE  
*Executive Director*





## Condensed Minutes

### MEETING OF THE PROFESSIONAL COUNCIL

THE annual meeting of the Professional Council was held at the Jefferson Hotel, St. Louis, April 9, 1943. The following members were present: Ralph Hall Ferris, chairman, Lansing, Michigan; Milton Weiffenbach, vice chairman, St. Louis; Richard A. Chappell, Washington, D. C.; Joseph Y. Cheney, Tallahassee, Florida; R. D. Greenlaw, Nashville; Joseph H. Hagan, Providence; Robert M. Hill, Montgomery, Alabama; L. Wallace Hoffman, Toledo; Russell Jackson, Phoenix, Arizona; Andrew B. Steele, Kansas City, Missouri; Charles L. Chute, secretary. Mr. Ferris presided and R. D. Greenlaw was elected to act as secretary pro tem of the meeting.

#### *Inservice Training Committee*

In the absence of Joseph P. Murphy, chairman, Mr. Ferris and Mr. Chute reported on the work of the committee. The training manual, sponsored by the committee, has been in much demand and is used in many institutes and staff conferences. The council voted that the committee be continued and that it be requested to take steps to develop further institutes and training courses.

#### *Other Committees*

Mr. Chute read the following telegram from William D. Barnes, chairman of the committee on interstate cooperation: "Committee on Interstate Cooperation reports progress. First replies to questionnaires sent throughout nation indicate that parole authorities have taken advantage of compacts and that probation authorities need to do so. The

Connecticut General Assembly has reported favorably a bill establishing state administered probation, with authority over interstate cooperation." Mr. Chute reported that fifteen replies to the questionnaire sent out by the office in behalf of the committee had been received from as many states, giving information in regard to the use of the interstate compact on probation and parole, and that other states had been requested to reply. It was voted that the committee be continued to complete its study and report at the next meeting.

The work of the committee on conference programs was reviewed and it was agreed that it be continued and requested to develop a program for our sessions at the Annual Congress of Correction in the fall.

#### *Other Business*

The question of securing annual reports of developments in our field for all states was discussed and it was suggested that members of the council be requested to send in such reports. It was agreed that the matter be referred to the program committee for further consideration.

Mr. Hoffman proposed an amendment to the by-laws of the Association to provide that future members of the council be certified or nominated by the council before appointments were made by the president, and it was voted that the amendment be presented at the annual meeting of the Association. Mr. Hoffman proposed that a committee be appointed to explore the question of certification of professional members of the Association. It was voted that the chairman appoint such a committee.<sup>1</sup>

Mr. Chappell proposed that the council create an executive committee to act between meetings and it was voted that such a committee be created, to consist of the chairman, vice chairman, secretary and two other members.

<sup>1</sup>Later changed to Committee on Standards

Mr. Jackson reported for the nominating committee, proposing the reelection for the coming year of the present officers of the council and it was voted that the secretary be directed to cast a unanimous ballot for the nominees.

The work of the Association in the field of parole was discussed. Sanford Bates reported on the plans of the American Parole Association.

Mr. Ferris expressed appreciation of the work of the Association's staff.

The meeting was adjourned.

CHARLES L. CHUTE

*Secretary*

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Officers, Board of Trustees, Advisory  
Committee, Western Advisory Council,  
Professional Council, Staff, October 1943

NATIONAL PROBATION ASSOCIATION

*Organized 1907, Incorporated 1921*

1790 BROADWAY, NEW YORK 19

*Western Office* 110 SUTTER STREET, SAN FRANCISCO 4

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† Member of finance committee

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MILTON WEIFFENBACH, <i>Vice Chairman</i> . . . . .	RUSSELL JACKSON
CHARLES L. CHUTE, <i>Secretary</i> . . . . .	

### *Inservice Training*

JOSEPH P. MURPHY, <i>Chairman</i> . . . . .	WILLIAM J. HARPER
RICHARD A. CHAPPELL . . . . .	L. WALLACE HOFFMAN
FRED FINSLEY . . . . .	LEON T. STERN
GENEVIEVE GABOWER . . . . .	WILLIAM L. STUCKERT

*Interstate Cooperation*

WILLIAM D. BARNES, *Chairman*      JOSEPH H. HAGAN

*Programs*

WILLIAM J. HARPER, <i>Chairman</i>	L. WALLACE HOFFMAN
RICHARD A. CHAPPELL	CLARENCE M. LEEDS
DAVID DRESSLER	MILTON WEIFFENBACH

*Standards*

L. WALLACE HOFFMAN, <i>Chairman</i>	LEON T. STERN
RICHARD A. CHAPPELL	

The chairman and secretary of the council are ex officio members of all committees.

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## By-laws

### NATIONAL PROBATION ASSOCIATION, Inc.

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;  
June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937;  
May 9, 1942.

#### ARTICLE I NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

#### ARTICLE II OBJECTS

*The objects of this Association are:*

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

#### ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2 or more a year; except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national

associations, the Board of Trustees may authorize a reduction of dues for active membership. Contributing members shall be those who contribute \$5 or more annually to the Association. Supporting members shall be those who contribute \$10 or more annually to the Association. Sustaining members shall be those who contribute \$25 or more annually to the Association. Patrons shall be those who contribute \$100 or more during a single calendar year. Life members shall be those who contribute \$1000 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

#### ARTICLE IV OFFICERS

The officers of the Association shall consist of a president, one or more vice presidents, and a treasurer, who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

#### ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

#### ARTICLE VI OTHER EMPLOYEES

Other members of the executive staff and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

## ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of thirty members to be elected by the members of the Association at its annual meeting. The twenty-one directors now in office, whose terms expire subsequent to the annual meeting in May 1932, shall continue to hold office as trustees until the expiration of the terms for which they were respectively elected. At the annual meeting in May 1932 nine additional trustees shall be elected, three for terms of one year each, three for terms of two years each, and three for terms of three years each. At each annual meeting thereafter ten trustees shall be elected for terms of three years each. The board may fill any vacancy, however created, occurring among the officers or members of the Board of Trustees for the unexpired term. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be ex officio a member of all committees of the board.

## ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

## ARTICLE IX COMMITTEES

There shall be an executive committee elected annually by the board, which shall consist of seven members of the board. Such committee shall have the powers and perform the duties of the Board of Trustees between the meetings of the board. Three members shall constitute a quorum.

There shall be a finance committee consisting of a chairman and such other members as shall be determined by the Board of Trustees. Its duties shall be those which usually pertain to such a committee. It shall be appointed in the manner provided for by the board.

There shall be a Professional Council of the Association to consist of representatives of the courts and probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president in such manner that the terms of one-third

of the members shall expire on December thirty-first of each year. Members shall serve for terms of three years and until their successors are appointed. A vacancy may be filled by the president at any time for the unexpired term. The council shall elect its officers at its annual meeting held in connection with the annual meeting of the Association. The council shall make recommendations to the Board of Trustees in regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.


#### ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One-third of the members shall constitute a quorum of the board.

#### ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.

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## Program of the National Probation Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation and parole service, juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work, and interested in all measures for constructive social treatment and the prevention of crime.

The Association has:

- 1) a nationwide membership of probation and parole workers, judges and citizens interested in the successful application of basic principles of the social treatment of crime and delinquency;
- 2) an active continuing board of trustees made up of prominent judges, probation and parole executives, and representative citizens;
- 3) an experienced staff which carries on its program.

In its working program the Association:

- 1) conducts city and statewide surveys of courts, probation and parole departments; prepares reports; organizes and cooperates with local committees and agencies to maintain and develop effective probation, parole and social court organization;
- 2) drafts laws to extend and improve probation, parole and juvenile courts, and assists in securing the enactment of these laws;
- 3) aids judges and probation and parole executives in securing competent officers and assists the officers and other qualified persons in obtaining placements;
- 4) promotes state supervision of probation and parole, and cooperates with state departments and associations;
- 5) conducts a national conference and assists with special conferences and institutes for training workers;



- 6) carries on a research program for the study of practical problems in this field;
- 7) serves as a clearing house for information and literature on probation, parole, juvenile courts, domestic relations courts, and crime prevention, for the entire country;
- 8) publishes a bimonthly magazine, *Probation*, with informative articles; the *Yearbook*, with addresses and reports of the annual conference; a *Directory of Probation Officers in the United States and Canada*; summaries of juvenile court, probation and parole legislation; case record forms; reports of surveys and studies; and practical leaflets and pamphlets.

*Membership in the Association is open to everyone. Each member receives the bimonthly magazine, Probation, and the Yearbook upon request.*

Membership classes: active, \$2; contributing, \$5; supporting, \$10; sustaining, \$25; patron, \$100 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

#### FORM OF BEQUEST

*I devise and bequeath to The National Probation Association, Inc., incorporated under Article Three of the Membership Corporation Law of the State of New York, to be applied to the benevolent uses and purposes of said Association, and under its direction [here insert description of the money or property given] . . . .*



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